

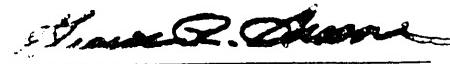
STATE OF ALABAMA) IN THE CIRCUIT COURT OF
PLAINTIFF,) RUSSELL COUNTY, ALABAMA
VS.) CASE NO.: CC 02-186-188
JERRY WHITLEY)
DEFENDANT.)

2003 FEB 27 PM 3:37
FILED IN OFFICE
CLERK, CIRCUIT COURT
RUSSELL COUNTY, ALABAMA

ORDER

The Order dated February 20, 2003 granting defendant's motion to proceed on appeal in forma pauperis and appointment of attorney is hereby recalled and set aside as this Order was issued in error. The defendant has retained Hon. Michael Williams, Sr., Attorney for purposes of appeal.

DONE this the 27th day of February 2003.



JUDGE, CIRCUIT COURT

4CR371

ALABAMA CRIMINAL DATA CENTER

000182

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS

BY THE TRIAL COURT CLERK

IN THE CIRCUIT COURT OF RUSSELL COUNTY

STATE OF ALABAMA VS WHITLEY JERRY EUGENE JUDGE: GEORGE R. GREENE

APPEAL DATE: 01/14/2003

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
INDIGENT STATUS REVOKED ON APPEAL:	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
INDIGENT STATUS GRANTED ON APPEAL:	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 12/05/2002

DATE OF SENTENCE: 01/14/2003

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 57/CC 2002 000184.00

CODE: TRAK CONVICTION: TRAFFICKING-METH

ACTION: CONVICTED
STATUTE: 13A-012-281 (11)SENTENCE: CONF: 35 YRS 00 MOS 000 DAYS
SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO LIFEWO: NO

POST-JUDGMENT MOTIONS FILED:	DT FILED	DT DENIED	CON BY AGREE
--- MOTION FOR NEW TRIAL			
--- MOTION FOR JUDG. OF ACQUIT			
--- MOTION TO W/D GUILTY PLEA			
--- MOTION FOR ATTY TO W/DRAW 01/26/2003			02/24/2003
--- OTHER			

COURT REPORTER(S):

WILSON, LINDA S.

ADDRESS:

C/O HON. GEORGE R. GREENE
PHENIX CITY , AL 36867

APPELLATE COUNSEL #1:

WILLIAMS J MICHAEL SR
P O BOX 1068

ADDRESS:

AUBURN , AL 36831
205-705-0200

PHONE NUMBER:

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
 ABOVE IS ACCURATE TO THE BEST OF MY
 KNOWLEDGE AND I HAVE SERVED A COPY OF
 THIS NOTICE OF APPEAL ON ALL PARTIES TO
 THIS ACTION ON THIS 28th DAY OF February, 2003

OPERATOR: SHG
PREPARED: 02/26/2003Kathy Coulter/JW
CIRCUIT COURT CLERK

State of Alabama
Unified Judicial System
Form C-62A Rev. 7/2000

ATTORNEY'S FEE DECLARATION
(Adult)
[For Work Performed On or After 10/1/2000]

Code
57

Jurisdiction
CC 02 and 188
Year
Case
Suffia

Mark Appropriate Court:

- Circuit Court of Russell
- District Court of _____
- Municipal Court of _____
- Alabama Court of Criminal Appeals
- Alabama Court of Civil Appeals
- Supreme Court of Alabama

County
County

Indicate if Original Charge is: Limits

Capital Case (or charge carrying sentence of life without parole)	<input type="checkbox"/> (No Limit) CC
Class A Felony	<input checked="" type="checkbox"/> (\$3,500) FA
Class B Felony	<input type="checkbox"/> (\$2,500) FB
Class C Felony	<input checked="" type="checkbox"/> (\$1,500) FC
Other	<input checked="" type="checkbox"/> (\$1,000) OT
Appeal	<input type="checkbox"/> (\$2,000) AP
Petition for Writ of Certiorari	<input type="checkbox"/> (\$2,000) WC
Post-Conviction/Habeas Corpus	<input type="checkbox"/> (\$1,000) PC

Attorney Name (Please type or print)

LAUREL W. FARRAR

63-1246664

Social Security Number or FEIN

STYLE OF CASE: STATE OF ALABAMA

MUNICIPALITY OF _____

v. Jerry E. Whitley

Defendant

CHARGE: Trafficking, Possession, Resisting Arrest

Companion case numbers and charges or convictions: _____

The undersigned attorney declares that on (date) 2/20/02, the Honorable George R. Greene, Judge, appointed the undersigned to represent the above-named defendant or appellant, and on (date) 12/5/02, the case was heard by the Honorable George R. Greene, Judge. The case was disposed of by Conviction.

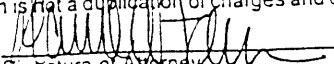
(Plea of guilty, conviction, acquittal, affirmance, reversal, cert. denied)

- (1) In-Court Appearance (Trial Level or Post-Conviction Proceeding)
- (2) Out-of-Court Preparation (Trial Level or Post-Conviction Proceeding)
- (3) Preparation (Appellate Level)
- (4) Extraordinary Expenses (If approved in advance by court)
- (5) Overhead Expenses (If approved in advance by court)

Total Hours <u>13.6</u> x \$ 60.00 per hour = <u>1,116.00</u>	
Total Hours <u>103.5</u> x \$ 40.00 per hour = <u>4,140.00</u>	
Total Hours _____ x \$ 60.00 per hour = <u>586.67</u>	
Total Hours <u>122.1</u> x \$ 38.46 Per hour = <u>4,695.97</u>	
TOTAL CLAIM OF ATTORNEY <u>10,538.64</u>	

NOTICE TO ATTORNEY: Complete this form. Attach a copy of a complete itemization of (1) in-court appearances; (2) out-of-court preparation; (3) preparation for appeals; (4) extraordinary expenses; and/or (5) overhead expenses reflecting the date of actions and amount of time involved in each activity. Make a copy of same for the court's record and a copy for your records.

The undersigned attorney further declares that the above claim is true and correct and represents the services actually rendered by him/her as an attorney and the amount is due and payable. I further declare that the above claim is not a duplication of charges and expenses in any case (companion or otherwise).


Signature of Attorney

Attorney Code FAR-036

Mailing Address of Attorney
(please type or print) (including city, state, and zip code)

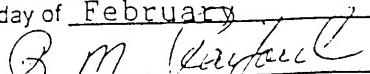
EZELL & CHANCEY, LLP

P.O. Drawer 2500, 1200 8th Avenue

Phenix City, AL 36868-2500

Telephone Number (334)297-2400 Fax Number (334)297-3842

Sworn to and subscribed before me this 13th
day of February, 2003


Notary Public
My Commission # 11-22-06

I, the undersigned judge, hereby certify that the foregoing claim has been presented to me, and I have reviewed the same and believe the same to be true and correct. I am further of the opinion that said attorney is not duplicating said charges and expenses in any case (companion or otherwise).

Based on the above, I hereby approve the declaration and claim in the amount of \$ 10,538.64

Done this

10 day of

March, 2003

Judge's Signature

NOTICE TO ATTORNEY AND JUDGE: Sections 15-12-21 through 15-12-23, Code of Alabama 1975, provide for the payment of attorney fees and extraordinary expenses incurred by counsel appointed to represent indigent defendants at the trial level, on appeal (including petition for writ of certiorari to the Alabama Supreme Court) and in post-conviction proceedings.

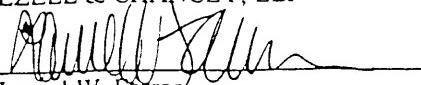
THIS FORM MUST CONTAIN ORIGINAL SIGNATURES OF THE ATTORNEY AND THE JUDGE. THIS FORM WITH ATTACHED ITEMIZATION MUST BE SUBMITTED TO THE TRIAL COURT JUDGE OR PRESIDING JUDGE OR CHIEF JUSTICE OF THE APPELLATE COURT FOR APPROVAL. AFTER APPROVAL, FILE WITH THE CLERK, WHO SHALL SUBMIT THE ORIGINAL DECLARATION TO THE STATE COMPTROLLER (EXCEPT IN MUNICIPAL CASES) FOR AUDIT.

Filed in the Clerk's Office at Russell Co, Alabama, on 3/11/03

date

EXCEPT IN MUNICIPAL CASES, MAIL TO: State Comptroller, Indigent Defense Section, P. O. BOX 302602, Montgomery, Alabama 36130-2602

Total In-Court Time	18.6	hours x \$60.00=	1,116.00
Total Out-of-Court Time	103.5	hours x \$40.00=	4,140.00
Overhead Expenses:			
Overhead	122.1	hours x \$38.46=	4,695.97
Photocopies (correspondence 68; pleadings 570; copies of cases 105)	743.0	copies x 25¢=	185.75
Postage and fax charges	40.0	x 37¢=	14.80
Certified Mail charges	2.0	x \$4.80=	9.60
Mileage to Auburn 10/22/02	78.0	miles @34¢	26.52
Extraordinary Expenses:			
Independent Laboratory Analyses	2.0	tests x \$75.00	350.00
TOTAL AMOUNT DUE.....			10,538.64

EZELL & CHANCEY, LLP

By: _____
Laurel W. Farrar
Attorneys for Defendant
P. O. Draver 2500
Phenix City, AL 36868-2500
(334) 297-2400
Attorney Code FAR-036

<u>OUT-OF-COURT TIME</u>		
DATE	ACTION	TIME
2/28/02	Receipt and review of message from client's brother	0.1
2/28/02	Preparation of motion for reduction of bond	0.4
2/28/02	Conference with D.A.; Receipt and review of discovery and plea offer	0.3
2/28/02	Letter to client	0.4
3/1/02	Review, revise and finalize motion for reduction of bond; filing and serving	0.3
3/4/02	Conference with attorney Rick Chancey	0.4
3/4/02	Receipt and review of order on State's motion for discovery	0.3
3/4/02	Receipt and review of letters from client	0.4
3/4/02	Telephone call from client's brother	0.1
3/5/02	Travel to and from jail for conference with client	1.6
3/8/02	Receipt and review of order denying motion for reduction of bond; forward copy to client	0.2
3/8/02	Legal research re reasonableness of bond	0.5
3/11/02	Telephone conference with Clerk of Court of Criminal Appeals	0.2
3/11/02	Drafting writ of petition for habeas corpus	0.6
3/12/02	Legal research	0.4
3/12/02	Review, revise and finalize petition for writ of habeas corpus	0.5
3/12/02	Filing and service of petition for writ of habeas corpus; letter to client; Receipt and review of letter from client	0.7
3/13/02	Receipt and review of letter from client	0.1
3/14/02	Receipt and review of letter from client	0.1
3/15/02	Receipt and review of letter from client	0.1
3/16/02	Receipt and review of letter from client	0.1
3/18/02	Receipt and review of message from client	0.1
3/20/02	Receipt and review of letter from client	0.1
3/21/02	Receipt and review of order reducing bond amounts	0.1
3/21/02	Receipt and review of order from Court of Criminal Appeals for response to petition for writ of habeas corpus	0.1
3/22/02	Travel to and from jail for conference with client	1.0
3/28/02	Letter to client re bond reduction	0.1
4/2/02	Receipt and review of response to petition for writ of habeas corpus	0.5
4/3/02	Conference with attorney Rick Chancey	0.1

<u>OUT-OF-COURT TIME</u>		
DATE	ACTION	TIME
4/4/02	Telephone call from client's father	0.2
4/4/02	Legal research	0.1
4/9/02	Travel to and from court for docket call	0.3
4/10/02	Receipt and review of Attorney General's motion to accept substitute exhibit to response	0.2
4/10/02	Letter to client with copies of filings	0.4
4/11/02	Receipt and review of Court of Criminal Appeals dismissal of petition for writ of habeas corpus; letter to client with copy	0.1
4/17/02	Telephone conference with client	0.9
4/25/02	Letter to client	0.1
5/23/02	Telephone conference with Buster Landreau	0.2
5/23/02	Receipt and review of State's motion for joinder of defendants at trial	0.1
5/24/02	Preparation of, filing and serving objection to motion for joinder; forward copies of filings to client	0.4
5/24/02	Travel to and from D.A.'s office; review of prosecutor's tapes	2.0
6/4/02	Conference with client; notes	0.6
6/11/02	Telephone conference with D.A.'s office; telephone call to client; notes	0.4
6/11/02	Legal research; drafting motions	0.5
6/13/02	Review, revise and finalize motions; preparation of, filing and serving Motion to Suppress Arrest and Evidence and Search Warrant, Motion to Permit Independent Analysis and Motion for Approval of Extraordinary Expenses; forward copies to client	1.2
6/17/02	Receipt and review of lab report and message from D.A.	0.2
6/17/02	Conference with Buster Landreau	0.8
6/18/02	Legal research re lab/mixture	0.6
6/18/02	Preparation of, filing and serving Motion for Further Analysis of Alleged Controlled Substance and Motion to Exclude Laboratory Report	1.0
6/19/02	Travel to and from court for docket call	0.2
6/19/02	Legal research	1.0
6/19/02	Drafting and filing motions and subpoena requests; deliver subpoenas to Sheriff's office	1.5
6/19/02	Review, revise and finalize, filing and serving Motion to Continue	0.2
6/19/02	Telephone calls to witnesses and a witness's employer re attendance at hearing on 6/20/02	0.2

<u>OUT-OF-COURT TIME</u>		
DATE	ACTION	TIME
6/20/02	Preparation for hearing	0.3
6/20/02	Travel to and from court for hearing	0.3
6/20/02	Conference with client prior to hearing	0.3
6/20/02	Conference with co-defendant's attorney Jeremy Armstrong	0.9
6/20/02	Legal research on issues re sentencing	1.4
6/20/02	Telephone calls to Department of Corrections and Department of Pardons and Paroles	0.6
6/20/02	Letters to witnesses	0.2
6/20/02	E-mail to Department of Corrections	0.3
6/20/02	Telephone call to office of Federal Public Defenders	0.1
6/20/02	Telephone call from Federal Public Defenders; telephone call to Buster Landreau	0.4
6/20/02	Telephone call to Martindale-Hubbell to look for expert witness	0.2
6/20/02	Telephone call to Buster Landreau; telephone call from client	0.2
6/21/02	Travel to and from D.A.'s office to pick up tapes and player	0.5
6/21/02	Conference with client	1.0
6/21/02	Receipt and review of order denying approval of extraordinary expenses	0.1
6/21/02	Preparation of, filing and serving Motion for Reconsideration of motion for extraordinary expenses	0.4
6/21/02	Conference with Buster Landreau	0.6
6/25/02	Telephone call from Department of Corrections	0.3
6/25/02	Receipt and review of order denying motion for reconsideration; letter to client	0.2
7/3/02	Telephone call from client	0.4
7/8/02	Telephone calls to Smith-Kline Laboratories	0.3
7/11/02	Receipt of notice of docket call; letter to client; conference with client	0.3
7/16/02	Telephone call from client; notes; telephone calls to Smith-Kline	0.3
7/23/02	Telephone calls to witnesses	0.1
7/24/02	Telephone call to potential expert witness Dr. Hiatt; fax lab report to Dr. Hiatt; telephone call from Dr. Hiatt	0.6
7/25/02	Receipt and review of order to show cost and time for completion of independent analysis	0.1
7/25/02	Telephone call to Buster Landreau; telephone call to client	0.3

OUT-OF-COURT TIME		
DATE	ACTION	TIME
7/26/02	Preparation of, filing and serving Supplemental Information in Support of Motion for Reconsideration of Extraordinary Expenses	0.7
7/29/02	Travel to and from court for hearing, docket call, filing	0.4
7/29/02	Conference with Buster Landreau and conference with client prior to hearing	0.2
7/29/02	Receipt and review of order granting motion for consolidation of cases for trial	0.1
7/31/02	Preparation of proposed order; fax to Dr. Hiatt	0.6
8/6/02	Telephone call to Dr. Hiatt	0.1
8/6/02	Telephone calls to Forensic Sciences, Department of Transportation re method for shipping samples	0.7
8/7/02	Telephone calls to shipping agencies	0.4
8/9/02	Receipt and review of Order for Transport of samples	0.1
8/15/02	Receipt and review of State's motion to amend order for transport	0.5
8/16/02	Preparation of, filing and serving objection to motion to amend order	0.5
8/19/02	Letter to client; telephone call to Buster Landreau; telephone call to Dr. Hiatt	0.3
8/22/02	Conference with attorney Rick Chancey	0.8
8/22/02	Telephone call from client; telephone call from Ed Berry	0.2
8/22/02	Telephone calls to attorneys Joel Collins, Tommy Worthy and Jeremy Armstrong re co-defendants	0.5
8/22/02	Letter to Buster Landreau	0.2
8/23/02	Preparation of, filing and serving motion in limine	0.3
8/23/02	Telephone call from client	0.2
8/23/02	Preparation and delivery of subpoenas; telephone calls and letters to witnesses	1.3
8/23/02	Conference with Clerk; preparation of, filing and serving motion to transport witness Steven Mosseson to suppression hearing; deliver motion	0.8
8/23/02	Telephone conference with client	0.2
8/23/02	Telephone conference with witness Carolyn Martin	0.2
8/23/02	Receipt and review of Buster Landreau and State's Notice of Intent to Seek Sentencing Enhancements	0.1
8/23/02	Conference with attorney Rick Chancey	0.7
8/23/02	Telephone call to Buster Landreau; telephone call to Forensic Science lab	0.3
8/26/02	Preparation for hearing on motion to suppress	1.9

<u>OUT-OF-COURT TIME</u>		
DATE	ACTION	TIME
8/26/02	Telephone call to Jeremy Armstrong; telephone call to client	0.4
8/26/02	Travel to and from court for hearing	0.4
8/26/02	Conference with client prior to hearing	0.2
8/26/02	Conference with client after hearing	0.1
8/28/02	Receipt and review of order denying motion	0.1
8/28/02	Preparation of, filing and serving motion to continue	0.4
9/4/02	Travel to and from court for docket call	0.3
9/4/02	Preparation of motion to set aside writ of arrest and withdraw revocation of bond (client was late for docket call); conference with client's mother; preparation of affidavit for client's mother in support of motion; filing and serving motion	1.0
9/4/02	Telephone conferences with Dr. Hiatt; telephone call to Forensic Science lab	0.3
9/5/02	Preparation of, filing and serving amendment to motion	0.3
9/5/02	Receipt and review of letter from Buster Landreau re shipping samples	0.2
9/18/02	Receipt and review of several letters from client	0.4
9/18/02	Preparation of, filing and serving petition for writ of habeas corpus	0.6
9/23/02	Preparation of, filing and serving motion to compel compliance with order for transport of samples	1.0
9/23/02	Letter to client	0.2
9/23/02	Letter to client; delivery of letter to jail with copies of filings	0.6
9/24/02	Travel to and from jail for conference with client; notes to file	0.5
9/27/02	Receipt and review of State's response to motion to compel	0.3
10/1/02	Preparation of, filing and serving reply to State's response	0.7
10/7/02	Receipt and review of letters from client	0.3
10/9/02	Telephone call from client's mother	0.1
10/10/02	Receipt and review of letter from client	0.3
10/10/02	Receipt and review of order on motion to compel and order setting hearing on motions to set aside writ of arrest and revocation of bond and motion in limine	0.3
10/10/02	Receipt and review of order setting hearing on petition for writ of habeas corpus and order denying motion to compel	0.2
10/10/02	Research best way to ship samples	0.3
10/10/02	Telephone call from Buster Landreau	0.2

DATE	ACTION	OUT-OF-COURT TIME	TIME
10/11/02	Preparation of, filing and serving motion to continue		0.5
10/11/02	Travel to and from jail for conference with client		0.8
10/11/02	Telephone call to Dr. Hiatt		0.1
10/15/02	Telephone conference with Buster Landreau re obtaining samples from Forensic Sciences		0.3
10/16/02	Travel to and from court for docket call		0.4
10/16/02	Telephone conference with Buster Landreau, receipt and review of plea offer		0.4
10/16/02	Telephone calls from client's father		0.3
10/16/02	Conference with client's uncle, Vince Maci; receipt and review of paper from him		0.4
10/16/02	Travel to and from jail for conference with client to discuss plea offer		0.4
10/16/02	Receipt and review of order setting motion hearing		0.1
10/17/02	Telephone call to Buster Landreau with counteroffer to plea agreement		0.2
10/17/02	Travel to and from jail for conference with client		0.6
10/18/02	Travel to and from jail for conference with client		0.6
10/21/02	Letter to client confirming his rejection of plea offer and options		0.3
10/21/02	Travel to and from jail for conference with client		0.4
10/22/02	Telephone call from client's father		0.1
10/22/02	Travel to and from Forensic Sciences Lab to observe collection and packaging of samples for shipment; telephone call to Federal Express agents to pick up samples; telephone call to Dr. Hiatt with tracking number		3.1
10/22/02	Mailing petition for writ of habeas corpus to Court of Criminal Appeals; filing and serving petition; forward copy to client		0.3
10/23/02	Preparation for hearing		0.4
10/23/02	Travel to and from court for hearing		0.4
10/23/02	Telephone conference with client's father		0.2
10/24/02	Letter to court reporter requesting transcripts of guilty pleas and hearing		0.3
10/24/02	Letter to client concerning status of case		0.4
10/25/02	Attempt to reach Dr. Hiatt; fax letter to Dr. Hiatt to request copy of CV		0.3
10/25/02	Receipt and review of order on motion to reduce bond and motion in limine; letter to client with copies		0.2
10/29/02	Telephone calls from client's father		0.1
10/29/02	Receipt and review of letter from client		0.4

<u>OUT-OF-COURT TIME</u>		
DATE	ACTION	TIME
10/29/02	Response letter to client	0.4
10/30/02	Receipt and review of message from Dr. Hiatt re status of tests	0.1
11/4/02	Telephone call from client's father	0.2
11/4/02	Receipt and review of letter from client	0.2
11/6/02	Receipt and review of Court of Appeals denial of writ of habeas corpus	0.1
11/6/02	Letter to client with copy of order	0.1
11/15/02	Receipt and review of letter from client	0.1
11/15/02	Telephone call from Dr. Hiatt regarding analyses	0.3
11/19/02	Travel to and from court for docket call	0.2
11/21/02	Receipt and review of letter from client	0.1
11/22/02	Receipt and review of telephone messages from client's father	0.1
11/25/02	Receipt and review of letter from client	0.1
11/25/02	Telephone call from court reporter regarding transcripts	0.1
11/26/02	Telephone call and fax to fire department re call on 9/21/02	0.3
11/26/02	Preparation of motions for trial	0.3
11/26/02	Preparation of jury instructions	0.2
11/26/02	Receipt and review of lab reports and Dr. Hiatt's CV	0.5
11/26/02	Copy reports and CV, dictation of letter to Buster Landreau with copies	0.3
11/26/02	Review of various letters from client; legal research; letter to client	1.0
11/26/02	Preparation of, filing and serving subpoena to fire department	0.3
11/26/02	Legal research re witnesses	0.5
12/2/02	Receipt and review of jury list (venire)	0.5
12/2/02	Synthesis and analysis of juror information	1.2
12/2/02	Review and research of venire	1.0
12/2/02	Travel to and from court for jury qualification	0.2
12/2/02	Preparation for trial	4.0
12/3/02	Preparation of, filing and serving motion to continue and motion for extraordinary expenses	0.8
12/3/02	Letter to client with copies of pleadings and documents; hand deliver to jail	0.6
12/3/02	Preparation for trial	8.6

<u>OUT-OF-COURT TIME</u>		
DATE	ACTION	TIME
12/4/02	Receipt and review of D.A.'s motion in limine and response to motion for continuance, motion for extraordinary expenses	0.4
12/4/02	Receipt and review of order on motion to continue	0.1
12/4/02	Preparation for trial	4.7
12/5/02	Travel to and from court	0.4
12/9/02	Receipt and review of orders on motions	0.3
1/13/03	Receipt and review of pre-sentencing report	0.4
1/14/03	Travel to and from court	0.2
1/14/03	Preparation of, filing and serving notice of appeal and motion to appoint appellate counsel	0.6
1/17/03	Receipt and review of Notice of Appeal to the Alabama Court of Criminal Appeals	0.2
1/17/03	Telephone conference with Sherrie Greenlees; notes	0.2
1/21/03	Preparation of, filing and service of Motion to Withdraw Representation and to Appoint Appellate Counsel and motion for indigency status	0.9
1/21/03	Travel to and from courthouse to file documents	0.3
1/23/03	Receipt and completion of docketing statement and transcript purchase order, deliver to clerk	0.5
1/26/03	Receipt and review of Informational Notice to Appellant	0.2
1/27/03	Receipt and review of filed copies of above	0.2
1/28/03	Preparation of and mailing certified request for reimbursement of office overhead expenses	0.5
2/11/03	Follow-up telephone call to Sherrie Greenlees at Russell County Circuit Clerk's office re why indigency status motion not ruled on	0.2
2/11/03	Telephone call to Court of Criminal Appeals re delayed paperwork; advised March 11 deadline to produce transcript	0.1
2/11/03	Dictation of letter to clerk with copies of paperwork from Court file	0.3
2/12/03	Letter to client with all of above information	0.2
2/12/03	Preparation of billing; close file	0.5
Total Out-of-Court Time		103.5

<u>OVERHEAD EXPENSE</u>		
2/20/02	Order Approved	122.1

Terry Whitley
Petitioner's Name

v. State of Alabama
Appellee

Trial Court Case No. AC 02-186
CC 02-187
CC 02-188

Notice of Appeal Date 1/14/03

On appeal from the: Circuit Court of
 District Court of } Russell County
 Juvenile Court of

PUBLIC OFFICE
11 AM 2/26

I, Linda Wilson, a court reporter in the above referenced case, hereby request a 28- day extension to complete the transcript in said cause for the reasons I have set out below. Currently this transcript is due on 3/11/03, and with this extension the transcript will be due on 4/8/03.

REASONS:

Linda Wilson
Court Reporter

3/11/03
Date

TRIAL COURT ACTION

Upon consideration of the above request, I hereby grant a 28- day extension to complete said transcript, thus extending the transcript's due date to 4/8/03. Upon granting this request, I direct the court reporter to file this order with the Clerk of this Court and to mail or fax a copy hereof to the Clerk of the Court of Criminal Appeals at the address noted below by no later than the transcript due date in effect immediately preceding this order.

The above referenced request for a local extension is denied.

Judge's Signature

Date

3/11/03

Note: Pursuant to Rule 11(c) of the Alabama Rules of Appellate Procedure, local extensions cannot total more than 28 days and cannot be to a date more than 84 days from the date of the notice of appeal.

The Clerk of the Court of Criminal Appeals
P. O. Box 301555
Montgomery, Alabama 36130-1555

Fax (334) 242-4689

H. W. "Bucky" McMILLAN
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
REG SHAW
A. KELLI WISE
Judges

STATE OF ALABAMA
JUDICIAL BUILDING, 300 DEADERICK ST.
P.O. BOX 301555
MONTGOMERY, AL 36130-1555

March 11th, 2003

Lane W. Mann
Clerk
Wanda K. Ivey
Assistant Clerk
(334) 242-4590
FAX (334) 242-4689

RE: CR-02-0739

Jerry Eugene Whitley v. State of Alabama (Appeal from Russell Circuit Court: CC02-186; CC02-187; CC02-188).

You are hereby notified that the Court of Criminal Appeals acknowledges that the following action was taken in the above cause by the trial court:

Additional time is granted to certify the completion of reporter's transcript to and including 04/08/2003.

Lane W. Mann, Clerk
Court of Criminal Appeals

LWM/sm

cc: Honorable George R. Greene, Circuit Judge
Honorable Kathy S. Coulter, Circuit Clerk ✓
Linda S. Wilson, Court Reporter
Honorable J. Michael Williams, Sr., Attorney, Appellant

RECD IN OFFICE
2003 MAR 13 PM 12:04
KATHY S. COULTER, CLERK
COURT OF CRIMINAL APPEALS

Fax: (334) 242 - 4089

C: The Clerk of the Court of Criminal Appeals
P. O. Box 301555
Montgomery, Alabama 36130-1555

Criminal Appeals Case Number

CR 02-0739

Appellant's Name
Jerry Whitley

v. State of Alabama
Appellee

Trial Court Case No.

CC 02-186
CC 02-187
CC 02-188

Notice of Appeal Date 1/14/03

On appeal from the:

Circuit Court of
District Court of
Juvenile Court of

Russell

County

I, Linda Wilson, a court reporter in the above referenced case, hereby request a 28- day extension to complete the transcript in said cause. I have set out below. Currently this transcript is due on 4/8/03, and will be due on 5/6/03.
REASONS:

APPEAL
RUSSELL CO., AL
JUN 10, 2003
AM II: 33
IN OFFICE

Linda Wilson

Court Reporter

4/8/03

Date

Note: Rule 11(c) of the Alabama Rules of Appellate Procedure prohibits an appellate court from granting an extension if the request is not received by the clerk of the appellate court within the time originally prescribed or before the expiration of an extension previously granted. Based on internal policy of the Court of Criminal Appeals, no more than two 28-day extensions will be granted.

H. W. "Bucky" McMILLAN
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
TREG SHAW
A. KELLI WISE
Judges

STATE OF ALABAMA
JUDICIAL BUILDING, 900 DEXTER AVENUE
P.O. BOX 301555
MONTGOMERY, AL 36130-1555

April 8th, 2003

Lane W. Mann
Clerk
Wanda K. Ivey
Assistant Clerk
(334) 242-4590
FAX (334) 242-4689

RE: CR-02-0739

Jerry Eugene Whitley v. State of Alabama (Appeal from Russell Circuit Court: CC02-186; CC02-187; CC02-188).

You are hereby notified that the following action was taken in the above cause by the Court of Criminal Appeals:

Additional time is granted to certify the completion of reporter's transcript to and including 05/06/2003.

Lane W. Mann, Clerk
Court of Criminal Appeals

LWM/sm

cc: Honorable George R. Greene, Circuit Judge ✓
Honorable Kathy S. Coulter, Circuit Clerk
Linda S. Wilson, Court Reporter
Honorable J. Michael Williams, Sr., Attorney, Appellant

SEARCHED IN OFFICE
2003 APR 10 AM 11:49
CLERK / JESI COURT
RUSSELL CO., AL

Fax: (334) 242 - 4689

O: The Clerk of the Court of Criminal Appeals
P. O. Box 301555
Montgomery, Alabama 36130-1555

Criminal Appeals Case Number

CR 02-0739

Jerry Whitley
Appellant's Name

v. State of Alabama
Appellee

Trial Court Case No.

CC02-186
CC02-187
CC02-188

Notice of Appeal Date 1/14/03

On appeal from the:

Circuit Court of

District Court of

Juvenile Court of

Russell

County

1. Linda Wilson, a court reporter in the above referenced case, hereby request a 28- day extension to complete the transcript in said cause for the reasons I have set out below. Currently this transcript is due on 5/6/03, and with this extension the transcript will be due on 6/3/03.

REASONS:

Linda Wilson

Court Reporter

5/5/03

Date

Note: Rule 11(c) of the Alabama Rules of Appellate Procedure prohibits an appellate court from granting an extension if the request is not received by the clerk of the appellate court within the time originally prescribed or before the expiration of an extension previously granted. Based on internal policy of the Court of Criminal Appeals, no more than two 28-day extensions will be granted.

H. W. "Bucky" McMILLAN
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
REG SHAW
A. KELLI WISE
Judges

STATE OF ALABAMA
JUDICIAL BUILDING, 300 DEXTER AVENUE
P.O. BOX 301555
MONTGOMERY, AL 36130-1555

May 5th, 2003

Lane W. Mann
Clerk
Wanda K. Ivey
Assistant Clerk
(334) 242-4590
FAX (334) 242-4689

RE: CR-02-0739

Jerry Eugene Whitley v. State of Alabama (Appeal from Russell Circuit Court: CC02-186; CC02-187; CC02-188).

You are hereby notified that the following action was taken in the above cause by the Court of Criminal Appeals:

Additional time is granted to certify the completion of reporter's transcript to and including 06/03/2003.

Lane W. Mann, Clerk
Court of Criminal Appeals

LWM/sm

cc: Honorable George R. Greene, Circuit Judge
Honorable Kathy S. Coulter, Circuit Clerk
Linda S. Wilson, Court Reporter
Honorable J. Michael Williams, Sr., Attorney, Appellant

RECEIVED - 7 AM 11:11
RUSSELL COUNTY COURT
RUSSELL CO., AL

IN THE OFFICE

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000187.00
 OPER: TIW CASE ACTION SUMMARY RUN DATE: 06/05/2003
 PAGE: 1 CIRCUIT CRIMINAL
 ======
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000187.00 FOPTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

=====
 CHARGE01: POSS/REC CONTR. SUBS CODE01: VPCO LIT: POSS/PEC CONTR TYP: F #: 001
 OFFENSE DATE: 09/21/2001 AGENCY/OFFICER: 0570000

DATE WAR/CAP ISS: 09/04/2002	DATE ARRESTED: 09/21/2001
DATE INDICTED: 01/16/2002	DATE FILED: 01/23/2002
DATE RELEASED:	DATE HEARING:
BOND AMOUNT: \$20,000.00	SURETIES:

DATE 1: 01/14/2003 DESC: SENT	TIME: 1000 A
DATE 2: 12/02/2002 DESC: JTDL	TIME: 0900 A

TRACKING NOS: GJ 2001 000286 00 / DC 2001 002356 00 / WR 2001 003011 00

DEF/ATY: FARRAR LAUREL WHEELING	TYPE: A	TYPE:
PO DRAWER 2500		

PHENIX CITY AL 36868	00000
----------------------	-------

PROSECUTOR: LANDPEAU BUSTER

=====
 OTH CSE: GJ200100028600 CHK/TICKET NO: GRAND JURY: 167
 COURT REPORTER: SID NO: 000000000
 DEF STATUS: PRISON DEMAND: OPER: JOS

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
01/23/2002	SET FOR: ARRAIGNMENT ON 02/20/2002 AT 1000A(AR01)	JOS
02/20/2002	***ARRAIGNMENT ORDER***	JOS
02/20/2002	ORDER APPOINTING THE HON. LAUREL FARFAR, DEFENDANT	JOS
02/20/2002	WAIVES READING OF INDICTMENT AND ENTERS	JOS
02/20/2002	A PLEA OF NOT GUILTY.	JOS
02/20/2002	SET FOR: JURY TRIAL ON 05/13/2002 AT 0900A (AR10)	JOS
02/20/2002	AFFIDAVIT OF SUBSTANTIAL HARDSHIP	JOS
02/22/2002	MOTION FOR APPROVAL OF EXPENSES	JOS
02/22/2002	REQUEST FOR DISCOVERY	JOS
02/26/2002	ORDER ON DEFENDANT'S REQUEST FOR DISCOVERY	JOS
02/27/2002	MOTION FOR CONSOLIDATION OF OFFENSES	JOS
02/27/2002	MOTION FOR DISCOVERY BY STATE	JOS
02/27/2002	NOTICE OF COMPLIANCE WITH DISCOVERY REQUEST	JOS
02/28/2002	ORDER ON MOTION FOR DISCOVERY BY STATE	JOS
03/01/2002	MOTION FOR APPROVAL OF EXPENSES GRANTED	JOS
03/04/2002	MOTION FOR REDUCTION OF BOND	JOS
03/05/2002	WRITTEN PLEA OF NOT GUILTY AND WAIVER OF	JOS

COURT OF CRIMINAL APPEALS NO. CR-02-0739

Appeal To Alabama Court of Criminal Appeals

FROM

Circuit Court of Russell County, Alabama

CIRCUIT COURT NO CC-02-186-188

CIRCUIT JUDG HONORABLE GEORGE R. GREENE

Type of Conviction/ Order Appealed From: TRAFFICKING METH , POSS OF REC CONT SUBS, RESISTING ARREST

Sentence Imposed: 35 YRS CONCUR, 5 YRS CONCUR, 6 MTHS CONSEC

Defendant Indigent: YES NO

JERRY E. WHITLEY

Name of Appellant

ATTY MICHAEL J WILLIAMS SR (205)-705-0200

(Appellant's Attorney) (Telephone No.)

P.O. BOX 1068

(Address)

AUBURN, AL 36831

(City) (State)

(Zip Code)

V.

STATE OF ALABAMA

Name of Appellee

(State represented by Attorney General)

NOTE: If municipal appeal, indicate above, and enter

name and address of municipal attorney below.

(For Court of Criminal Appeals Use Only)

000201

ACPO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000187.00
 OPER: TIW CASE ACTION SUMMARY RUN DATE: 06/05/2003
 PAGE: 2 CIRCUIT CRIMINAL
 =====
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000187.00 FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
03/05/2002	ARRAIGNMENT	JOS
03/06/2002	MOTION FOR REDUCTION OF BOND DENIED	JOS
03/13/2002	PETITION FOR WRIT OF HABEAS CORPUS (BOND REDUCED)	JOS
03/15/2002	CASE SET ON 04/23/2002	JOS
03/15/2002	NOTICE FLAG SET TO: N	JOS
03/18/2002	ORDER FROM THE COURT OF CRIMINAL APPEALS THAT THE	JOS
03/18/2002	RESPONDENT IS GRANTED 14 DAYS TO RESPOND TO	JOS
03/18/2002	THE ALLEGATIONS CONTAINED IN THIS PETITION FOR	JOS
03/18/2002	THE WRIT OF HABEAS CORPUS	JOS
03/27/2002	ORDER REDUCING BOND TO \$10,000.00.	JOS
04/09/2002	SET FOR: JURY TRIAL ON 05/13/2002 AT 0900A (AR10)	JOS
04/10/2002	ORDER OF DISMISSAL OF WRIT OF HABEAS CORPUS FROM	JOS
04/10/2002	THE COURT OF CRIMINAL APPEALS	JOS
04/15/2002	(4/9/02) ORDER CONTINUING CASE TO THE MAY 13,	JOS
04/15/2002	2002, TRIAL DOCKET.	JOS
04/19/2002	ADDR1 CHANGED FROM: R.C. JAIL (AR01)	JOS
04/19/2002	SURETY ADDED: AAA BONDING CO. (AR01)	JOS
04/19/2002	HOME CITY CHANGED FROM: PHENIX CITY (AR01)	JOS
04/19/2002	STATUS CHANGED TO: "B" - BOND (AR01)	JOS
04/19/2002	DEFENDANT RELEASED FROM JAIL: 04/16/2002 (AR01)	JOS
04/30/2002	SET FOR: JURY TRIAL ON 06/24/2002 AT 0900A (AR10)	JOS
05/22/2002	WITNESS SUBPOENA ISSUED AWP24	JOS
05/23/2002	MOTION FOR JOINDER OF DEFENDANTS FOR TRIAL	JOS
05/24/2002	OBJECTION TO CONSOLIDATION	JOS
06/13/2002	MOTION TO SUPPRESS ARREST AND EVIDENCE AND	JOS
06/13/2002	SEARCH WARRANT	JOS
06/13/2002	MOTION FOR APPROVAL OF EXTRAORDINARY EXPENSES	JOS
06/13/2002	MOTION TO PERMIT INDEPENDENT ANALYSIS	JOS
06/19/2002	MOTION TO CONTINUE	JOS
06/19/2002	MOTION TO EXCLUDE LABORATORY REPORT	JOS
06/19/2002	MOTION FOR FURTHER ANALYSIS OF ALLEGED CONTROLLED	JOS

000187

ACPO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000187.00
 OPER: TIW CASE ACTION SUMMARY
 PAGE: 3 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
 =====
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000187.00 FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

06/19/2002	SUBSTANCE	JOS
06/20/2002	SET FOR: JURY TRIAL ON 08/05/2002 AT 0900A (AR10)	JOS
06/21/2002	MOTION FOR RECONSIDERATION OF DEFENDANT'S MOTION	JOS
06/21/2002	FOR APPROVAL OF EXTRAORDINARY EXPENSES	JOS
06/21/2002	(6/19/02) ORDER CONTINUING TRIAL TO AUGUST 5, 2002	JOS
06/21/2002	MOTION FOR APPROVAL OF EXTRAORDINARY EXPENSES	JOS
06/21/2002	DENIED	JOS
06/25/2002	MOTION FOR RECONSIDERATION OF DEFENDANT'S MOTION	JOS
06/25/2002	FOR APPROVAL OF EXTRAORDINARY EXPENSES DENIED	JOS
07/11/2002	WITNESS SUBPOENA ISSUED	AWP24 JOS
07/29/2002	SUPPLEMENTAL INFORMATION IN SUPPORT OF DEFEN-	JOS
07/29/2002	DANT'S MOTION FOR RECONSIDERATION OF DEFEN-	JOS
07/29/2002	DANT'S MOTION FOR APPROVAL OF EXTRAORDINARY	JOS
07/29/2002	EXPENSES PURSUANT TO MAY V. STATE	JOS
08/05/2002	(7/29/02) ORDER CONTINUING CASE TO SEPTEMBER 16,	JOS
08/05/2002	2002, TRIAL DOCKET. HEARING ON MOTION TO	JOS
08/05/2002	SUPPRESS SET FOR AUGUST 26, 2002, AT 2:00 PM	JOS
08/05/2002	MOTION TO CONSOLIDATE GRANTED	JOS
08/05/2002	SET FOR: JURY TRIAL ON 09/16/2002 AT 0900A (AR10)	JOS
08/05/2002	SET FOR: MOTION TO SUPPRESS ON 08/26/2002 AT 0200P	JOS
08/16/2002	OBJECTION TO MOTION TO AMEND ORDER	JOS
08/20/2002	(7/29/02) MOTION TO CONSOLIDATE GRANTED	JOS
08/23/2002	DEFENDANT'S MOTION IN LIMINE	JOS
08/23/2002	MOTION TO TRANSPORT (STEVEN MOSESES-LEE CO.)	JOS
08/23/2002	ORDER FOR THE RUSSELL COUNTY SHERIFF TO TRANSPORT	JOS
08/23/2002	STEVEN MOSESON FROM LEE COUNTY JAIL TO APPEAR	JOS
08/23/2002	IN COURTROOM I AT 2:00 P.M. ON AUGUST 26, 2002.	JOS
08/28/2002	DEFENDANT'S SECOND MOTION TO CONTINUE	JOS
08/28/2002	MOTION TO SUPPRESS DENIED	JOS
09/04/2002	ALIAS WARRANT ISSUED: 09/04/2002 (AR08)	JOS
09/04/2002	ALIAS WRIT EXECUTED BY PLACING DEFENDANT IN JAIL	JOS
09/04/2002	MOTION TO SET ASIDE WRIT OF ARREST AND WITHDRAW	JOS

QWUC03

ACPO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000187.00
 OPER: TIW CASE ACTION SUMMARY
 PAGE: 4 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
 ===== IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000187.00 FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

09/04/2002	REVOCATION OF BOND	JOS
09/05/2002	AMENDMENT TO MOTION TO SET ASIDE WRIT OF ARREST	JOS
09/05/2002	AND WITHDRAW REVOCATION OF BOND	JOS
09/05/2002	WITNESS SUBPOENA ISSUED	AWP24 JOS
09/13/2002	(9/04/02) UPON FAILURE OF DEFENDANT TO APPEAR IN	JOS
09/13/2002	COURT, PRELIMINARY FORFEITURE AND ALIAS	JOS
09/13/2002	ORDERED. ORIGINAL BOND AMOUNTS REINSTATED,	JOS
09/13/2002	CASE CONTINUED TO THE OCTOBER 28, 2002, TRIAL	JOS
09/13/2002	DOCKET.	JOS
09/16/2002	SET FOR: JURY TRIAL ON 10/28/2002 AT 0900A (AR10)	JOS
09/19/2002	PETITION FOR WRIT OF HABEAS CORPUS	JOS
09/23/2002	MOTION TO COMPEL COMPLIANCE WITH THE COURT'S	JOS
09/23/2002	ORDER FOR TRANSPORT OF SAMPLES FOR INDEPENDENT	JOS
09/23/2002	ANALYSIS	JOS
09/26/2002	RESPONSE TO MOTION TO COMPEL	JOS
10/01/2002	REPLY TO RESPONES TO MOTION TO COMPEL	JOS
10/09/2002	WITNESS SUBPOENA ISSUED	AWP24 JOS
10/09/2002	ORDER SETTING HEARING ON MOTION TO SET ASIDE WRIT	JOS
10/09/2002	OF ARREST AND WITHDRAW REVOCATION OF BOND AND	JOS
10/09/2002	MOTION IN LIMINE FOR OCTOBER 23, 2002, AT	JOS
10/09/2002	3:00 P.M.	JOS
10/09/2002	SET FOR: HEARING ON 10/23/2002 AT 0300P (AR10)	JOS
10/10/2002	MOTION TO COMPEL DENIED	JOS
10/10/2002	ORDER SETTING HEARING ON WRIT OF HABEAS CORPUS	JOS
10/10/2002	FOR OCTOBER 23, 2002, AT 3:00 P.M.	JOS
10/11/2002	MOTION TO CONTINUE	JOS
10/16/2002	SET FOR: JURY TRIAL ON 12/02/2002 AT 0900A (AR10)	JOS
10/17/2002	ORDER CONTINUING TRIAL TO DECEMBER 2, 2002,	JOS
10/17/2002	MOTIONS HEARING SET FOR OCTOBER 23, 2002, AT	JOS
10/17/2002	3:00 P.M.	JOS
10/24/2002	(10/23/02) MOTION TO REDUCE BOND DENIED. MOTION	JOS
10/24/2002	IN LIMINE GRANTED AS TO PHOTOGRAPHS OF CO-	JOS

ACN0370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000187.00
 OPEN: PIW CASE ACTION SUMMARY
 PAGE: 5 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
 ======
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000187.00 FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

| 10/24/2002 | DEFENDANTS AND DENIED AS TO VIDEOTAPE INVOLVING	JOS |
| 10/24/2002 | DEFENDANTS AND CO-DEFENDANTS. THE COURT	JOS |
| 10/24/2002 | RESERVES RULING ON MOTION IN LIMINE AS TO	JOS |
| 10/24/2002 | SINGLE PHOTOGRAPH OF DEFENDANT.	JOS |
| 10/25/2002 | PETITION FOR WRIT OF HABEAS CORPUS DENIED (BY GRG)	JOS |
| 11/04/2002 | COPY OF ORDER OF DENIAL OF WRIT OF HABEAS CORPUS	JOS |
| 11/20/2002 | WITNESS SUBPOENA ISSUED	AWP24 JOS |
| 11/22/2002 | PARTY ADDED W006 STEVEN MOSESON	(AW21) JOS |
| 11/22/2002 | PARTY W006 ISSUED DATE: 11202002 TYPE: (AW21)	JOS |
| 11/22/2002 | PARTY ADDED W007 WAYNE MEADOWS	(AW21) JOS |
| 11/22/2002 | WITNESS SUBPOENA ISSUED TO W006 STEVEN MOSESON	JOS |
| 11/22/2002 | WITNESS SUBPOENA ISSUED TO W007 WAYNE MEADOWS	JOS |
| 12/03/2002 | DEFENDANT'S MOTION TO CONTINUE	JOS |
| 12/03/2002 | MOTION FOR APPROVAL OF EXTRAORDINARY EXPENSES	JOS |
| 12/04/2002 | MOTION IN LIMINE	JOS |
| 12/04/2002 | RESPONSE TO MOTION FOR CONTINUANCE AND MOTION FOR	JOS |
| 12/04/2002 | EXPENSES	JOS |
| 12/04/2002 | MOTION TO CONTINUE DENIED	JOS |
| 12/04/2002 | MOTION FOR APPROVAL OF COURT REPORTER EXPENSES	JOS |
| 12/05/2002 | STATE'S REQUEST JURY CHARGE #1	JOS |
| 12/05/2002 | STATE'S REQUEST JURY CHARGE #2	JOS |
| 12/05/2002 | STATE'S REQUEST JURY CHARGE #3	JOS |
| 12/05/2002 | STATE'S REQUEST JURY CHARGE #4	JOS |
| 12/05/2002 | STATE'S REQUEST JURY CHARGE #5	JOS |
| 12/05/2002 | DEFENDANT'S REQUESTED JURY CHARGE #1 CONTRACTIVE	JOS |
| 12/05/2002 | POSSESSION	JOS |
| 12/05/2002 | DEFENDANT'S REQUESTED JURY CHARGE #2 ELEMENTS	JOS |
| 12/05/2002 | OF CONTRACTIVE POSSESSION	JOS |
| 12/05/2002 | DEFENDANT'S REQUESTED JURY CHARGE #3 REQUIREMENT	JOS |
| 12/05/2002 | OF PROOF OF POSSESSION	JOS |
| 12/05/2002 | ***GUILTY VERDICT***	JOS |
| 12/05/2002 | ***VERDICT***	JOS |

ACFO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000187.00
 OPER: TIW CASE ACTION SUMMARY
 PAGE: 6 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
 ======
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SLO105214

VS

WHITLEY JERRY EUGENE

CASE: CC 2002 000187.00

FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BPO
 SSN: 259177161 ALIAS NAMES:

12/05/2002	NOW COMES THE JURY AND RETURNS ITS UNANIMOUS	JOS
12/05/2002	VERDICT AS FOLLOWS: "WE, THE JURY, FIND THE	JOS
12/05/2002	DEFENDANT, JERRY E. WHITLEY, GUILTY OF THE	JOS
12/05/2002	OFFENSE OF UNLAWFUL POSSESSION OF A CONTROLLED	JOS
12/05/2002	SUBSTANCE AS CHARGED IN THE INDICTMENT. DATE:	JOS
12/05/2002	DECEMBER 5, 2002, NICOLE GIBBS, FOREPERSON.	JOS
12/05/2002	THE DEFENDANT IS REMANDED TO THE CUSTODY OF	JOS
12/05/2002	THE SHERIFF, SENTENCING SET FOR JANUARY 14,	JOS
12/05/2002	2003, AT 10:00 A.M.	JOS
12/09/2002	MOTION FOR APPROVAL OF EXPENSES APPROVED OF THE	JOS
12/09/2002	SUM OF \$400.00	JOS
12/09/2002	MOTION IN LIMINE DENIED IN PART AND GRANTED IN	JOS
12/09/2002	PART IN OPEN COURT	JOS
12/09/2002	MOTION OF EXTRAORDINARY EXPENSES DENIED	JOS
01/10/2003	CONVICTION REPORT TO BOARD OF REGISTRARS	JOS
01/14/2003	***SENTENCING ORDER***	JOS
01/14/2003	ORDER SENTENCING DEFENDANT TO 5 YEARS TO THE DEPT	JOS
01/14/2003	OF CORRECTIONS, CREDIT FOR TIME SERVED, TO RUN	JOS
01/14/2003	CONCURRENT TO CC-2002-186, COSTS, \$100.00 VCF,	JOS
01/14/2003	\$100.00 FORENSIC SERVICES TRUST FUND, \$1,000.00	JOS
01/14/2003	DEMAND REDUCTION ASSESSMENT ACCOUNT, ATTORNEY'S	JOS
01/14/2003	FEES, SUBSTANCE ABUSE PROGRAM AND DRIVER'S	JOS
01/14/2003	LICENSE SUSPENDED 6 MONTHS. THE DEMAND REDUC-	JOS
01/14/2003	TION ASSESSMENT ACCOUNT WILL BE SUSPENDED UPON	JOS
01/14/2003	THE DEFENDANT'S AGREEMENT TO ENROLL IN A REHA	JOS
01/14/2003	BILITATION PROGRAM AND PAYMENT OF SAME. THE	JOS
01/14/2003	PAYMENT OF MONIES SHALL BE A CONDITION OF	JOS
01/14/2003	PAPOLE, EARLY RELEASE, SIR OR WORK RELEASE.	JOS
01/14/2003	*****ORAL NOTICE OF APPEAL*****	JOS
01/14/2003	NOTICE OF APPEAL AND MOTION TO APPOINT APPELLATE	JOS
01/14/2003	COUNSEL	JOS
01/14/2003	CASE APPEALED ON: 01/14/2003	(AR10) JOS

ACR0370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000187.00
OPER: TIW CASE ACTION SUMMARY
PAGE: 7 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SLO105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000187.00 FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
SSN: 259177161 ALIAS NAMES:

01/14/2003	APPEAL "TO" TYPE: "O"	(AR10)	JOS
01/16/2003	TRANSCRIPT OF RECORD ISSUED: 01/16/2003	(AR08)	JOS
01/16/2003	CASE ACTION SUMMARY PRINTED	(AR08)	JOS
01/17/2003	APPEAL DATE CHANGED FROM: 00/00/0000	(AR11)	TIW
01/17/2003	COURT REPORTER 1 CHANGED FROM:	(AR11)	TIW
01/17/2003	APPEAL TYPE CHANGED FROM:	(AR11)	TIW
01/17/2003	PROSECUTOR CHANGED FROM:	(AR11)	TIW
01/17/2003	IPA TYPE CHANGED FROM:	(AR11)	TIW
01/17/2003	INDTRL TYPE CHANGED FROM:	(AR11)	TIW
01/17/2003	ATTY 1 TYPE CHANGED FROM:	(AR11)	TIW
01/17/2003	ATTY 1 CHANGED FROM:	(AR11)	TIW
01/17/2003	ATYW TYPE CHANGED FROM:	(AR11)	TIW
01/17/2003	IRA TYPE CHANGED FROM: Y	(AR11)	SHG
01/17/2003	APPEAL TYPE CHANGED FROM: O	(AR11)	SHG
01/20/2003	MOTION TO WITHDRAW TRIAL COUNSEL AND APPOINT		SHG
01/20/2003	COUNSEL ON APPEAL		SHG
01/20/2003	MOTION FOR DESIGNATION OF INDIGENCY TO PROCEED ON		SHG
01/20/2003	APPEAL IN FORMA PAUPERIS		SHG
01/20/2003	CHECK OUT TO GRG		SHG
01/21/2003	MOTION CODE 1 CHANGED FROM:	(AR11)	SHG
01/21/2003	MOTION FILE DATE 1 CHANGED FROM: 00/00/0000 (AR11)		SHG
01/23/2003	DOCKETING STATEMENT		SHG
01/23/2003	REPORTER'S TRANSCRIPT ORDER		SHG
01/24/2003	AFFIDAVIT OF SUBSTANTIAL HARSHIP		SHG
01/27/2003	CHECK OUT TO GRG W/COPY		SHG
02/18/2003	NOTICE OF APPEARANCE BY HOM MICHAEL WILLIAMS, SR		TIW
02/18/2003	REPORTER'S TRANSCRIPT ORDER		TIW
02/24/2003	MOTION ACTION 1 CHANGED FROM:	(AR11)	SHG
02/24/2003	ATTY 1 CHANGED FROM: FAR036	(AR11)	SHG
02/24/2003	MOTION ACTION DATE 1 CHANGED FROM: 00/00/0000		SHG
02/24/2003	ATYW TYPE CHANGED FROM: N	(AR11)	TIW
02/24/2003	IPA TYPE CHANGED FROM: N	(AR11)	TIW

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000187.00
 OPER: TIW CASE ACTION SUMMARY RUN DATE: 06/05/2003
 PAGE: 8 CIRCUIT CRIMINAL
 ======
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SLO105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000187.00 FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

02/24/2003	ORDER DESIGNATING INDEGENCY TO PROCEED ON APPEAL	TIW
02/24/2003	IN FORMA PAUPERIS	TIW
02/24/2003	ORDER GRANTING MOTION TO WITHDRAW AND APPOINTING	TIW
02/24/2003	COUNSEL ON APPEAL	TIW
02/27/2003	ORDER RECALLING DEFENDANT'S MOTION TO PROCEED ON	TIW
02/27/2003	APPEAL IN FORMA PAUPERIS AND APPOINTMENT OF	TIW
02/27/2003	ATTORNEY	TIW
02/28/2003	IPA TYPE CHANGED FROM: Y	(AR11) TIW
02/28/2003	ATTY 1 CHANGED FROM: FLO017	(AR11) TIW
02/28/2003	ATTY 1 TYPE CHANGED FROM: A	(AR11) TIW
03/11/2003	MOTION FOR LOCAL EXTENSION OF TIME TO COMPLETE THE	TIW
03/11/2003	REPORTER'S TRANSCRIPT	TIW
03/11/2003	ATTORNEY'S FEES (\$10,538.64)	JOS
03/13/2003	ORDER GRANTING ADDITIONAL TIME FOR COMPLETION OF	TIW
03/13/2003	REPORTER'S TRANSCRIPT	TIW
04/08/2003	MOTION TO COURT OF CRIMINAL APPEALS FOR EXTENSION	TIW
04/08/2003	OF TIME TO FILE TRANSCRIPT	TIW
04/10/2003	ORDER GRANTING EXTENSION OF TIME TO FILE	TIW
04/10/2003	REPORTER'S TRANSCRIPT	TIW
04/14/2003	PAYMENT DELINQUENT NOTICE MAILED ON 04/15/2003	AOC
04/17/2003	ADDR1 CHANGED FROM: 150 REYNOLDS ROAD	(AR01) JOS
04/17/2003	STATUS CHANGED TO: "P" - PRISON	(AR01) JOS
05/05/2003	MOTION TO COURT OF CRIMINAL APPEALS FOR EXTENSION	TIW
05/05/2003	OF TIME TO FILE TRANSCRIPT	TIW
05/07/2003	ORDER GRANTING MOTION FOR EXTENSION OF TIME TO	TIW
05/07/2003	FILE TRANSCRIPT	TIW
05/07/2003	AMENDED ATTORNEY'S FEES (\$2,808.05)	JOS
06/05/2003	CERTIFICATE OF COMPLETION AND TRANSMITTAL OF	TIW
06/05/2003	RECORD ON APPEAL BY TRIAL CLERK	TIW
06/05/2003	CASE ACTION SUMMARY PRINTED	(AR08) TIW

IDENTIFICATION	1 ORI #	2 AGENCY NAME <i>METRO</i>	3 LAST, FIRST, MIDDLE NAME <i>Whitley, Jerry Eugene</i>	4 ALIAS AKA			
	SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	RACE <input type="checkbox"/> W <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> T	9 HOT. <input type="checkbox"/> 10 WT. <input type="checkbox"/> 11 EYE <input type="checkbox"/> 12 HAIR <input type="checkbox"/> 13 SKIN <input type="checkbox"/> 14 SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS <input type="checkbox"/> AMPUTATIONS				
	15 PLACE OF BIRTH (CITY, COUNTY, STATE) <i>Cols, GA</i>	16 SSN <i>2591-17-1610</i>	17 DATE OF BIRTH <i>092065</i>	18 AGE <i>35</i>			
	19 FBI #	20 SID #	21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCDV SUB-SECONDARY FINAL	22 DL # <i>021391837</i>			
	HENRY CLASS	NCIC CLASS		23 ST <i>GA</i>			
	24 NON-RESIDENT	25 HOME ADDRESS (STREET, CITY, STATE, ZIP) <i>Rusk Dr. Phenix City, AL</i>	26 RESIDENCE PHONE	27 OCCUPATION (BE SPECIFIC)			
	28 EMPLOYER (NAME OF COMPANY/SCHOOL) <i>None</i>	29 BUSINESS PHONE	()				
	30 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) <i>Rusk Dr. Phenix City, AL</i>	31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)	32 ARRESTED FOR YOUR JURISDICTION? <input type="checkbox"/> YES <input type="checkbox"/> NO				
	33 CONDITION OF ARRESTEE: <input checked="" type="checkbox"/> DRUNK <input type="checkbox"/> SOBER <input type="checkbox"/> DRINKING <input checked="" type="checkbox"/> DRUGS	34 SECTOR #	35 IN STATE <input type="checkbox"/> OUT STATE <input type="checkbox"/> AGENCY				
	36 DATE OF ARREST <i>09/21/01</i>	37 TIME OF ARREST <i>17:30</i>	38 INJURIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OFFICER <input type="checkbox"/> ARRESTEE	39 ARMED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N			
40 DESCRIPTION OF WEAPON	41 DATE OF ARREST <i>09/21/01</i>	42 TIME OF ARREST <i>1: AM</i>	43 DAY OF ARREST <i>S M T W T F S</i>				
<input type="checkbox"/> HANDGUN <input type="checkbox"/> RIFLE <input type="checkbox"/> SHOTGUN	<input type="checkbox"/> OTHER FIREARM <input type="checkbox"/> OTHER WEAPON						
44 TYPE ARREST <input type="checkbox"/> ON VIEW <input type="checkbox"/> CALL <input type="checkbox"/> WARRANT	45 ARRESTED BEFORE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	46 UCR CODE <i>3599</i>	47 UCR CODE <i>3599</i>				
48 CHARGE-1 <i>Possession of a Controlled Substance</i>	49 UCR CODE <i>Manufacturing a Controlled Substance</i>	50 STATE CODE/LOCAL ORDINANCE <i>13A-12-212</i>	51 WARRANT # <i>13A-12-211</i>				
52 DATE ISSUED	53 STATE CODE/LOCAL ORDINANCE <i>4801</i>	54 WARRANT # <i>13A-12-211</i>	55 DATE ISSUED				
56 CHARGE-2 <i>Resisting arrest</i>	57 UCR CODE <i>4801</i>	58 CHARGE-4 <i>FEL</i>	59 UCR CODE				
50 STATE CODE/LOCAL ORDINANCE <i>13A-10-41</i>	60 DATE ISSUED	61 WARRANT # <i>13A-10-41</i>	62 DATE ISSUED				
63 STATE CODE/LOCAL ORDINANCE <i>13A-10-41</i>	64 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)	65 STATE CODE/LOCAL ORDINANCE <i>13A-10-41</i>	66 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)				
67 IF OUT ON RELEASE WHAT TYPE? <input type="checkbox"/> HELD <input type="checkbox"/> TOT-LE <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input type="checkbox"/> RELEASED	68 DATE ISSUED	69 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)	70 LIS <i>77 LIY</i>				
70 VHR	71 VMA	72 VMO	73 VST	74 VCO TOP BOTTOM	75 TAG #	76 LIS	77 LIY
78 VIN	79 IMPOUNDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	80 STORAGE LOCATION/IMPOUND #					
81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED	<input type="checkbox"/> CONTINUED IN NARRATIVE						
82 JUVENILE DISPOSITION: <input type="checkbox"/> HANDED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT <input checked="" type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY					83 RELEASED TO		
84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)	85 ADDRESS (STREET, CITY, STATE, ZIP)				86 PHONE		
87 PARENTS EMPLOYER	88 ADDRESS (STREET, CITY, STATE, ZIP)				89 PHONE		
89 RELEASING OFFICER NAME <i>JGI</i>	90 AGENCY/DIVISION				91 ID #		
91 DATE AND TIME OF RELEASE <i>09/21/01 18:30</i>	92 AGENCY/DIVISION <i>JGI</i>	93 AGENCY ADDRESS					
94 RELEASED TO: <i>Russell Co. So.</i>	95 PROPERTY NOT RELEASED/HELD AT:				96 PROPERTY #		
97 AGENCY ADDRESS					98 PROPERTY NOT RELEASED/HELD AT:		
99 PROPERTY NOT RELEASED/HELD AT:					100 PROPERTY #		
101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE) <i>Subject was arrested for poss. of Meth, Manufacturing and Resisting arrest.</i>					101 SIGNATURE OF RELEASING OFFICER <i>JGI</i>		
102 SIGNATURE OF RECEIVING OFFICER <i>J. Whitten</i>					103 SIGNATURE OF RELEASING OFFICER <i>JGI</i>		
104 CASE #	105 SFX	106 CASE #	107 SFX	108 CASE #	109 SFX	110 LOCAL USE	
MULTIPLE CASES CLOSED							
111 ARRESTING OFFICER (LAST, FIRST, M.) <i>J. Whitten</i>	112 ID #	113 ARRESTING OFFICER (LAST, FIRST, M.) <i>Z72 Sgt. Price</i>	114 ID #	115 SUPERVISOR	116 WATCH CMDR	117 ADDITIONAL CASES CLOSED <input type="checkbox"/> N	
					ID #		

TYPE OR PRINT IN BLACK INK ONLY

A TRUE BILL, presented to the judge Presiding in open Court by the Foreperson of this Grand Jury, and filed in open court this 16th day of Jan, 2002.

Joe Johnson
Grand Jury Foreman

Kathy Coulter

Clerk of the Circuit Court
of Russell County
Twenty-Sixth Judicial Circuit

CC-02-187

INDICTMENT

THE STATE OF ALABAMA

vs.

JERRY E. WHITLEY

SID: AL01228937

alias

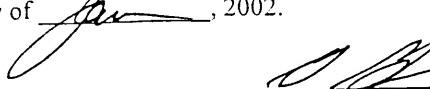
None Reported

CHARGES:

SECTION

- I. POSSESSION OF A CONTROLLED SUBSTANCE

Bail fixed at \$ 20,000 this 16 day of Jan, 2002.


Judge Presiding

THE STATE OF ALABAMA
RUSSELL COUNTY

120

CIRCUIT COURT
2002

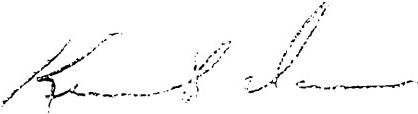
Prosecutor: BUSTER LANDREAU

KENNETH DAVIS
DISTRICT ATTORNEY
TWENTY-SIXTH JUDICIAL

THE STATE OF ALABAMA, RUSSELL COUNTY
CIRCUIT COURT - TWENTY-SIXTH JUDICIAL CIRCUIT

COUNT 1

The Grand Jury of said county charge that, before the finding of this indictment, JERRY E. WHITLEY, whose name is otherwise unknown to the Grand Jury than as stated, did unlawfully possess METHAMPHETAMINE, a controlled substance, contrary to and in violation of Section 13A-12-212 of the Code of Alabama, 1975, as amended, and against the peace and dignity of the State of Alabama.



KENNETH DAVIS
District Attorney
Twenty-Sixth Judicial Circuit

WITNESSES:

SHERWIN BOSWELL., P. O. BOX 3510, AUBURN, AL 36831

MELISSA M. KELLY, ADFS, P. O. BOX 3510, AUBURN, AL 36831

AGENT MEMMO, METRO NARCOTICS, P.O. BOX 1866, COLUMBUS, GA 31902

AGENT R. SPEAR, METRO, COLUMBUS, GA 31901

AGENT JASON WHITTEN, METRO NARCOTICS TASK FORCE , P.O. BOX 1866, COLUMBUS, GA 31902

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA: CC-02-187
AN INDICTMENT HAS BEEN RETURNED BY THE GRAND JURY OF RUSSELL COUNTY
AGAINST WHITLEY JERRY EUGENE
R.C. JAIL
PHENIX CITY AL 36867-0000

CHARGING THE OFFENSE OF:

POSS/REC CONTR. SUBS 13A-012-212 CNTS: 1

YOU ARE THEREFORE ORDERED TO ARREST THE PERSON NAMED ABOVE AND BRING THAT PERSON BEFORE A JUDGE OR MAGISTRATE OF THIS COURT TO ANSWER THE CHARGES AGAINST THAT PERSON AND HAVE WITH YOU THEN AND THERE THE WARRANT OF ARREST WITH YOUR RETURN THEREON. IF A JUDGE OR MAGISTRATE OF THIS COURT IS UNAVAILABLE, OR IF THE ARREST IS MADE IN ANOTHER COUNTY, YOU SHALL TAKE THE ACCUSED PERSON BEFORE THE NEAREST OR MOST ACCESSIBLE JUDGE OR MAGISTRATE IN THE COUNTY OF ARREST.

BOND SET AT: \$20,000.00

DATE ISSUED: 01/17/2002

CLERK

BY *JBS*

EXECUTED THIS *18* DAY OF *January*, 2002, BY
ARRESTING THE WITHIN NAMED DEFENDANT *Sheriff Jerry Whitley*

Sheriff Jerry Whitley 5163
LAW ENFORCEMENT OFFICER

BY: _____

DEFENDANT'S FEATURES:

HT: 5'06" HAIR: BRO DOB: 09/20/1965

WT: 145 SEX: M EYE: BRO RACE: W
SSN: 259177161

ADDTL COMMENTS: _____

01/17/2002 JOS

AFFIDAVIT OF SUBSTANTIAL
HARDSHIP AND ORDER

(C)-02-186-188

IN THE CIRCUIT
(Circuit, District, or Municipal)

COURT OF

RUSSELL COUNTY, ALABAMA
(Name of County or Municipality)STYLE OF CASE: State of Alabamav. Jerry E. Whitley
Defendant(s)

Plaintiff(s)

TYPE OF PROCEEDING: Criminal CHARGE(s) (if applicable): Trafficking/Poss.

- CIVIL CASE-- I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- CIVIL CASE-- (such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the court appoint one for me.
- CRIMINAL CASE-- I am financially unable to hire an attorney and request that the court appoint one for me.
- DELINQUENCY/NEED OF SUPERVISION-- I am financially unable to hire an attorney and request that the court appoint one for my child/me.

AFFIDAVIT

SECTION I.

1. IDENTIFICATION

Full name Jerry E. WhitleyDate of birth 9/20/65Spouse's full name (if married) N/AComplete home address N/ANumber of people living in household N/AHome telephone number N/AOccupation/Job Mechanic

Length of employment _____

Driver's license number 12

Social Security Number _____

Employer Lear Seigler Contr.Employer's telephone number 1-800-999-1770Employer's address Oklahoma City, OK

2. ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.)

 AFDC Food Stamps SSI Medicaid Other _____

3. INCOME/EXPENSE STATEMENT

Monthly Gross Income:

Monthly Gross Income

Spouse's Monthly Gross Income (unless a marital offense)

Other Earnings: Commissions, Bonuses, Interest Income, etc.

Contributions from Other People Living in Household

Unemployment/Workmen's Compensation,

Social Security, Retirements, etc.

Other Income (be specific) _____

\$ 0 \$ 0

Monthly Expenses:

A. Living Expenses

Rent/Mortgage

Total Utilities: Gas, Electricity, Water, etc.

Food

Clothing

Health Care/Medical

Insurance

Car Payment(s)/Transportation Expenses

Loan Payment(s)

\$ 0

AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER

Monthly Expenses: (cont'd page 1)
 Credit Card Payment(s) _____
 Educational/Employment Expenses _____
 Other Expenses (be specific) _____

Sub-Total _____
 B. Child Support Payment(s)/Alimony _____
 Sub-Total _____
 C. Exceptional Expenses _____

\$	A \$ _____
\$	B \$ _____
\$	C \$ <i>6</i>

TOTAL MONTHLY EXPENSES (add subtotals from A & B monthly only)

Total Gross Monthly Income Less total monthly expenses:

DISPOSABLE MONTHLY INCOME _____ \$ *0*

4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit)
 Equity in Real Estate (value of property less what you owe)
 Equity in Personal Property, etc: (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe)
 Other (be specific)
 Do you own anything else of value? Yes No
 (land, house, boat, TV, stereo, jewelry)
 If so, describe _____

\$	<i>0</i>
\$	_____
\$	_____
\$	_____
\$	_____

TOTAL LIQUID ASSETS _____ \$ *0*

5. Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

5th day of March, 2002
I shall file my commission papers 7/2003
 Judge/Clerk/Notary _____

Affiant's Signature *Jerry Eugene Whiting*Print or Type Name *Jerry Eugene Whiting*

ORDER OF COURT

SECTION II.

IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS:

- Affiant is not indigent and request is DENIED.
 Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ *100* toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows: *MUST reimburse 8.00/100 for all legal fees*
 Affiant is indigent and request is GRANTED.
 The prepayment of docket fees is waived.

IT IS FURTHER ORDERED AND ADJUDGED that L. Faras is hereby appointed as counsel to represent affiant.

IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the court and paid to the appointed counsel, and costs of court.

Done this 20th day of Feb, 02.

Judge *Jerry Eugene Whiting*

STATE OF ALABAMA)
PLAINTIFF,)
VS.)
Jerry E. Whitley)
DEFENDANT.)
IN THE CIRCUIT COURT OF
RUSSELL COUNTY, ALABAMA
CASE NO.: CC 02-187

ARRAIGNMENT ORDER

Defendant appeared in open court on this date at which time:

 The defendant advised the Court that he/she had retained _____, Attorney at law, to represent him/her in these proceedings.

The defendant advised the Court that he/she was indigent and unable to employ counsel to represent him/her in these proceedings. The Court appointed Laurel Faraj an experienced and competent attorney, to represent him/her in these proceedings.

 Arraignment is continued to _____ at _____ A.M.

 The defendant applied for youthful offender status. Ruling on said application was set for March 12, 2002 at 2:00 P.M.

The defendant filed a written waiver or waived the reading of the indictment and entered a plea of not guilty to the offense charged therein.

 The Court ordered an alias writ and preliminary forfeiture for the defendant's failure to appear in Court.

Plea deadline and docket call are set for April 9, 2002 at 10:00 A.M.

This case is scheduled for trial docket of May 13, 2002.

 The defendant shall pay the sum of \$ _____ per week/month towards his/her attorney's fees. Payments to begin _____.

DONE this the 20th day of February, 2002.

W. Faraj, Esq.

JUDGE, CIRCUIT COURT

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,	)	CRIMINAL CASE NUMBER
Plaintiff,	)	CC-02-186-188
)	
)	
vs.)	
JERRY E. WHITLEY,)	
Defendant.)	

MOTION FOR APPROVAL OF EXPENSES

Comes now JERRY E. WHITLEY, defendant in the above-stated matter, and respectfully

shows the Court as follows:

1. Laurel W. Farrar was appointed by the Court on February 20, 2002, to represent the defendant in this matter.
2. The Alabama Court of Criminal Appeals held in *May v. State* that office overhead expenses constitute "expenses reasonably incurred" and are, therefore, reimbursable under Code of Alabama 1975, §15-12-21. Under *Ex Parte Barksdale*, 680 So.2d 1029 (1996), office overhead expenses must be approved by the Trial Court prior to being incurred. In the alternative, under the provisions of said Code Section 15-12-21(d), the Trial Court has the discretion to approve such expenses.

3. Laurel W. Farrar's employer, Ezell & Chancey, LLP, has informed her that her portion of the office overhead is estimated to be \$80,000.00 per year.

WHEREFORE, movant moves this Court to approve payment of office overhead expenses to Laurel W. Farrar in the amount of \$38.46 per hour (\$80,000.00 ÷ 2080).

EZELL & CHANCEY, LLP

By:


Laurel W. Farrar

Attorneys for Defendant

P. O. Drawer 2500

Phenix City, AL 36868-2500

(334) 297-2400

Attorney Code FAR-036

FEB 22 2002
CIRCUIT COURT
RUSSELL CO., AL
FILED IN OFFICE
M 3:31

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALA.

STATE OF ALABAMA,	)	CRIMINAL C...
Plaintiff,	)	CC-02-186-188
)	
vs.)	
)	
JERRY E. WHITLEY,)	
Defendant.)	

REQUEST FOR DISCOVERY

Comes now the defendant in the above-styled cause, by and through defendant's attorney of record, and pursuant to Rules 16.1 and 16.3 of the Alabama Rules of Criminal Procedure, requests the Russell County District Attorney to provide the following-described discovery:

1. To permit the defendant to inspect, examine and copy any written or recorded statements made by the defendant to any law enforcement officer, official or employee which are in the possession, custody or control of the State and/or the existence of which is known to the District Attorney.
2. To disclose the substance of any oral statements made by the defendant before or after arrest to any law enforcement officer, official or employee which the State intends to offer in evidence at the trial of the defendant.
3. To permit the defendant to inspect and copy any written or recorded statement which the State of Alabama intends to offer into evidence at the trial of any co-defendant or accomplice, whether charged or indicted or not, which are in the possession, custody or control of the State of Alabama, the existence of which is known to the District Attorney.
4. To disclose any "deal," "settlement," "agreement," "bargain" or "arrangement" not to prosecute or for a reduced or lesser charge or offense which the State of Alabama has reached or concluded with any accomplice or co-defendant, whether charged or indicted or not.

5. To disclose to the defendant any written or oral statement made by a co-defendant or accomplice, either before or after arrest, to any law enforcement officer, official or employee which the State of Alabama intends to offer as evidence in this cause.

6. To permit the defendant to analyze, inspect and copy or photograph books, papers, documents, photographs, tangible objects, controlled substances or portion of any of these things which are in the possession, custody or control of the State and:

- a. which are material to the preparation of the defendant's defense;
- b. which are intended for use by the State as evidence at the trial of the defendant; or
- c. which were obtained from or belonged to the defendant.

7. To disclose to and provide the defendant with any and all exculpatory evidence known to the District Attorney and in the possession, custody and control of the State of

Alabama.

8. To permit the Defendant to inspect and copy any results or reports of physical and mental examinations or scientific tests, experiments or analyses made in connection with this particular case and the results or reports, whether written or oral, and whether the results or reports are in the possession, custody or control of the State and/or the existence of which is known to the District Attorney or the State of Alabama or any of its agencies, officers, agents or employees.

9. To furnish to the defendant copies of any and all medical documents, x-rays, emergency room, hospital, paramedical, physician's or nurse's notes, reports, writings, opinions, test results or other like or similar documents known to the District Attorney and which the District Attorney intends to offer into evidence in the trial of this cause.

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,	)	CRIMINAL CASE NUMBER
Plaintiff,	)	CC-02-186-188
)	
vs.)	
)	
JERRY E. WHITLEY,)	
Defendant.)	

ORDER ON DEFENDANT'S REQUEST FOR DISCOVERY

Defendant's Request for Discovery having been filed in the above-styled cause pursuant to Rule 16 of the Alabama Rules of Criminal Procedure, the District Attorney of Russell County, Alabama is hereby ordered to produce and disclose information and materials discoverable under the authority of *Brady v. Maryland* and Rule 16 of the Alabama Rules of Criminal Procedure.

SO ORDERED, this 20th day of February, 2002.

George Greene
Honorable George Greene
Judge, Russell County Circuit Court

FILED IN OFFICE
2002 FEB 26 PM 2:33
CIRCUIT / DIST. COURT
RUSSELL CO., AL

STATE OF ALABAMA
VS.
JERRY WHITLEY

* IN THE CIRCUIT COURT OF
* RUSSELL COUNTY, ALABAMA
* CASE NO. CC-02-186-188

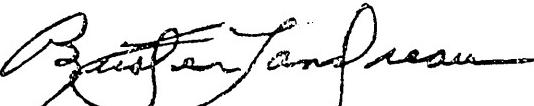
MOTION FOR CONSOLIDATION OF OFFENSES

The State moves the Court for an order that the above actions be tried together, upon the ground that the alleged offenses charged against the defendant in the indictment in each of said actions could have been joined as a single indictment under Rule 13 of the Alabama Rules of Criminal Procedure in that they are:

1. Of the same or similar character; or
2. Based on the same conduct or are otherwise connected in their commission; or
3. Alleged to have been part of a common scheme or plan.

By trial together of said actions, the expense of and time consumed in trial will be materially reduced.

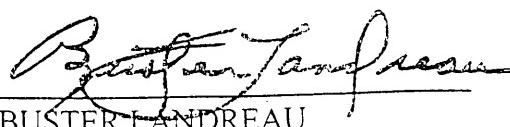
FILED IN OFFICE
2002 FEB 27 PM 2:59
CIRCUIT / CHIEF COURT
RUSSELL CO., AL


BUSTER LANDREAU
CHIEF DEPUTY DISTRICT ATTORNEY
26TH JUDICIAL CIRCUIT
LAN 034

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the forgoing Motion upon the Hon. **LAUREL FARRAR** Attorney for the Defendant by placing a copy of the same in a receptacle reserved in his name in the office of the Circuit Clerk of Russell County

Done this 27TH Day of FEBRUARY, 2002.


BUSTER LANDREAU

STATE OF ALABAMA
VS.
JERRY WHITLEY

* * *
IN THE CIRCUIT COURT OF
RUSSELL COUNTY, ALABAMA
CASE NO. CC-02-186-188

MOTION FOR DISCOVERY

Comes now the State of Alabama by and through its District Attorney, Kenneth Davis and moves the Court pursuant to Rule 16.2 of the Alabama Rules of Criminal Procedure to issue an order directed to Hon. **LAUREL FARRAR** Counsel for Defendant, to-wit:

1. To permit the State to analyze, inspect, and copy or photograph books, papers, documents, photographs, audio tapes, video tapes, tangible objects, buildings or places, or portions of any of these things, which are within the possession custody, or control of the Defendant and which the Defendant intends to introduce in evidence at the trial.
2. To permit the State to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with this particular case, which are within the possession or control of the Defendant and which he intends to introduce in evidence at the trial or which were prepared by a witness whom the Defendant intends to call at the trial, if the results or reports relate to the witness's testimony.
3. To produce and permit the State to inspect and copy the names and addresses of qualified mental health professionals who have personally examined the Defendant or any evidence in this case, as well as the results of or reports of mental examinations, scientific tests or comparisons and statements made by such professionals.

0001340
JULY 27 2002
CIRCUIT COURT
RUSSELL CO., AL

Done this 27TH Day of February, 2002.

KENNETH DAVIS
DISTRICT ATTORNEY
26TH JUDICIAL CIRCUIT

BY:


Buster Landreau
Chief Deputy District Attorney
LAN 034

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion for Discovery upon the Hon. **LAUREL FARRAR**, Counsel for the Defendant, by placing the same in a receptacle reserved in his/her name in the Office of the Clerk of the Circuit Court of Russell County, Alabama.

This the 27th Day of February, 2002.


Buster Landreau

STATE OF ALABAMA

vs.

JERRY WHITLEY

*
*
*
*

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186-188

NOTICE OF COMPLIANCE WITH DISCOVERY REQUEST

TO: LAUREL FARRAR

FROM: Buster Landreau

DATE: February 27, 2002

You filed a Motion for Discovery in the above-styled case(s). The materials to which you are entitled under Rule 16 of the Alabama Rules of Criminal Procedure and **Brady** are ready and available for you to pick up. This case was assigned to me so the material is being kept by me in my office. You will need to sign for this when you pick it up, so if I am not available, you can simply ask Randi Milner or Deborah Kimber and they know where the material is located. If any audio or video discovery exists, you must make an appointment with me to view the item or have a copy made.

FILED IN OFFICE
2007 FEB 27 PM 2:59
CIRCUIT COURT
RUSSELL CO., AL

PLAINTIFF,

VS.

JERRY WHITLEY

DEFENDANT.

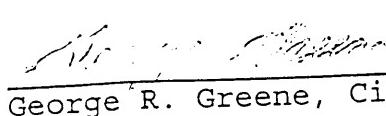
O R D E R

The State of Alabama, by and through its District Attorney, has filed a motion for discovery in the above case. Upon consideration of the motion, it is ORDERED by the Court that the Defendant shall:

1. Permit the District Attorney to analyze, inspect, and copy or photograph books, papers, documents, photographs, tangible objects, buildings or places, or portions of any of these things, which are within the possession, custody or control of the defendant and which the defendant intends to introduce in evidence at the trial.

2. Permit the District Attorney to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case, which are within the possession or control of the defendant and which the defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the defendant intends to call at trial, if the results or reports relate to the witness's testimony.

DONE this 28th day of February, 2002.


George R. Greene, Circuit Judge

CIRCUIT COURT
RUSSELL CO., AL

FILED IN OFFICE

2002 FEB 28 PM 1:23

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,	)	CRIMINAL CASE NUMBER
Plaintiff,	)	CC-02-186-188
)	
vs.)	
)	
JERRY E. WHITLEY,)	
Defendant.)	

ORDER ON MOTION FOR APPROVAL OF EXPENSES

Upon consideration of the Motion for Approval of Expenses filed by the attorney for the defendant in the above-stated cause, the Court is of the opinion that the same is due to be granted.

IT IS, THEREFORE, ORDERED that the Comptroller for the State of Alabama reimburse Laurel W. Farrar, at the conclusion of her representation of the defendant at the trial court level, the sum of \$38.46 per hour for each hour committed to such representation.

SO ORDERED, this 20th day of February, 2002.

George Greene
Honorable George Greene
Judge, Russell County Circuit Court

FILED IN OFFICE

2002 MAR - 1 PM 2:45

CIRCUIT COURT
RUSSELL CO., AL

IN THE DISTRICT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,	)	CRIMINAL CASE NUMBER
Plaintiff,	)	DC-02-186, 187 and 188
	)	CC
vs.)	
JERRY E. WHITLEY,)	
Defendant.)	

MOTION FOR REDUCTION OF BOND

Pursuant to the Alabama Rules of Criminal Procedure, the defendant respectfully moves to this Court to reduce the bond set in the above-styled case to a reasonable amount. As grounds for this motion, defendant states:

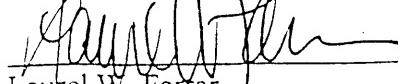
1. The defendant's bond is set at \$250,000.00 for the charge of Trafficking Methamphetamine, \$20,000.00 for the charge of Possession of a Controlled Substance, and \$1,000.00 for the charge of Resisting Arrest, for a total of \$271,000.00. The defendant is unable to post the bond as presently set. Accordingly, at this time, the defendant is incarcerated at the Russell County Jail.

2. The aforesaid amount of bond set in this cause is excessive in violation of the constitutional proscription against excessive bail guaranteed to the defendant by Section 16 of the Declaration of Rights of the Alabama Constitution and the Eighth and Fourteenth Amendments to the United States Constitution.

WHEREFORE, defendant respectfully moves that his bond be reduced to a reasonable amount, this 1st day of March, 2002.

EZELL & CHANCEY, LLP

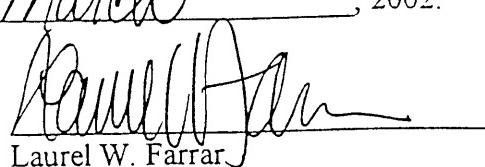
By:


 Laurel W. Farrar
 Attorneys for Defendant
 P. O. Drawer 2500
 Phenix City, AL 36868-2500
 (334) 297-2400
 Attorney Code FAR-036

FILED IN OFFICE
 1007 MAR - 14 2002
 JERRY E. WHITLEY
 RUSSELL COUNTY
 AL

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing MOTION FOR REDUCTION OF BOND upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this 1st day of March, 2002.



Laurel W. Farrar

State of Alabama
Unified Judicial System

Form CR-9 Rev. 3/95

PLEA OF NOT GUILTY AND WAIVER OF
ARRAIGNMENT

CC-02-186-188

IN THE

CIRCUIT

COURT OF

RUSSELL COUNTY ALABAMA
(Name of County or Municipality)

(Circuit, District, or Municipal)

STATE OF ALABAMA v. JERRY E. WHITLEY, Defendant

Comes now, the defendant in the above-styled matter, and to the offense charged enters a plea of

- Not Guilty
 Not Guilty by Reason of Mental Disease or Defect
 Not Guilty and Not Guilty by Reason of Mental Disease or Defect

Defendant acknowledges receipt of the copy of the charge against him/her and further waives the right to have an arraignment at which the defendant is present in person, or at which the defendant is represented by an attorney.

But, the defendant specifically and expressly reserves the right upon the filing hereof to hereafter, but before trial or before such date as may be set by the court, to interpose any defenses, objections, or motions which the defendant had the right as a matter of law or rule to interpose in this cause, prior to the filing hereof.

Defendant's date of birth is 9/20/05 Defendant's age is 36

The defendant is not eligible for consideration by the court for youthful offender status as provided by law.

3/5/2002
Date
3/5/02
Date

Jerry E. Whitley
Defendant
Laurel W. Farrar
Attorney for Defendant

This is to certify that I am the attorney for the defendant in this matter, and that I have fully explained this form and all matters set forth herein, and pertaining hereto, to the defendant. I further state to the court that I have explained to the defendant his right to be arraigned in person and his right to have me represent him at arraignment. I further certify to the court that my client hereby knowingly, voluntarily, and intelligently waives these rights after a full and complete explanation of each and every one of them to him/her by me. BOTH MYSELF AND THE DEFENDANT UNDERSTAND THAT I AM RESPONSIBLE FOR ASCERTAINING WHAT DATE, IF ANY, HAS BEEN SET BY THE COURT FOR THE MAKING OR FILING OF ANY DEFENSES, OBJECTIONS, OR MOTIONS. I FURTHER UNDERSTAND THAT I AM RESPONSIBLE FOR NOTIFYING MY CLIENT OF THE DATE HIS/HER CASE IS SET FOR TRIAL, AND THAT I HAVE ADVISED AND INFORMED HIM/HER THAT IN THE EVENT HE/SHE FAILS TO APPEAR ON THE DATE HIS/HER CASE IS SET FOR TRIAL, ALL APPROPRIATE LEGAL ACTION WILL BE TAKEN BY THE COURT AGAINST THE DEFENDANT AND HIS/HER BOND. I further certify to the court that I have advised my client that he/she is responsible for obtaining the date his/her case is set for trial in this matter and that in the event he/she fails to appear on the date his/her case is set for trial all appropriate legal action will be taken by the court against the defendant and his/her bond, and I hereby certify that the defendant knows that he/she is personally responsible for obtaining the date his/her case is set for trial and for being present in court on that date.

3/2/02
Date
I certify that I served a copy of the foregoing
plea and waiver of arraignment on the Prosecutor
by mailing/delivering a copy of the same to him/her on:
3/5/02
Date

Laurel W. Farrar
Attorney for Defendant Signature

LAUREL W. FARRAR
Printed or Typed Attorney's Name

P.O. Drawer 2500, Phenix City, AL 36808
Address

This is to certify that my attorney has explained each and every matter and right set forth in this form and I have completely and fully read and do so understand each and every matter set forth in this form. I further state to the court that I do not wish to be personally present at an arraignment in this case and that I do not want to have an attorney represent me at an arraignment and WITH FULL KNOWLEDGE OF EACH OF THESE RIGHTS, I HEREBY EXPRESSLY WAIVE SUCH RIGHTS. I further state to the court that I have been informed of the charge against me and have received a copy of the charge.

3/5/2002
Date
Filed in office this date 3/5/02

Jerry E. Whitley
Defendant Signature
Kathy Coulter By JB
Clerk

STATE OF ALABAMA) IN THE CIRCUIT COURT OF
) RUSSELL COUNTY, ALABAMA
PLAINTIFF,) CASE NO.: CC 02-186, 187,
VS.) 188
JERRY E. WHITLEY)
DEFENDANT.)

ORDER

The defendant having filed a motion for reduction of bond and the court having considered same, it is ORDERED that the motion to reduce bond is denied.

DONE this the 6th day of March, 2002.

Jerry E. Whitley
JUDGE, CIRCUIT COURT

FILED IN OFFICE
2002 MAR -6 PM 3:01

CIRCUIT / DIST. COURT
RUSSELL CO., AL

IN THE COURT OF CRIMINAL APPEALS OF ALABAMA

JERRY E. WHITLEY, Petitioner,	)	CASE NO. _____
vs.	)	RUSSELL COUNTY
STATE OF ALABAMA and THOMAS F. BOSWELL, Sheriff of Russell County, Alabama ,	)	CIRCUIT COURT
Respondents.	)	CASE NO. CC-02-186, 187,

FILED IN OFFICE
MAR 13 2007
MURKIN / JESI, COURT
RUSSELL CO., AL

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner petitions this Court to issue a writ of *habeas corpus* requiring Thomas F. Boswell, Sheriff of Russell County, Alabama, to bring petitioner before this Honorable Court to show just cause as to why petitioner's bond should not be reduced, and as cause therefor, states as follows:

1. This petition for a writ of *habeas corpus* is made on behalf of Jerry E. Whitley, by and through his attorney, Laurel W. Farrar.
2. Petitioner is imprisoned and restrained of his liberty in the Russell County Jail in Phenix City, Alabama, by the Sheriff on felony charges, *to-wit*: Possession of methamphetamine, resisting arrest and trafficking in methamphetamine, pursuant to indictments issued on January 16, 2002, copies of which are attached hereto.
3. Petitioner is restrained of his liberty on said felony charges with bails in the amounts of \$250,000.00 for the charge of Trafficking Methamphetamine, \$20,000.00 for the charge of Possession of a Controlled Substance, and \$1,000.00 for the misdemeanor charge of Resisting Arrest, for a total of \$271,000.00. Said amounts were set by the Honorable George Greene, Russell County Circuit Court Judge.

4. On or about March 4, 2002, the undersigned attorney submitted to the Circuit Court a Motion for Reduction of Bond requesting that petitioner's bond be reduced for the reason that the bond as set was excessive in violation of the constitutional rights of petitioner as set forth in the Eighth and Fourteenth Amendments to the United States Constitution and in violation of the constitutional rights of petitioner as set forth in Article I, Section XVI of the Alabama Constitution, and said motion was denied on March 6, 2002. Copies of said motion and order are attached hereto.

5. The present bond amount is contrary to the provisions of Section 15-13-2, Code of Alabama, as amended, which recognizes the allowance of bail as a matter of right prior to conviction.

6. The present bond amount is excessive to such a degree that it effectively denies petitioner the right to bail prior to conviction.

7. The present bond amount greatly and unreasonably exceeds the recommended range of bail as provided under Rule 7.2 of the Alabama Rules of Criminal Procedure.

WHEREFORE, petitioner prays:

- a. That this Honorable Court grant a writ of *habeas corpus*, and after reviewing all of the evidence and argument of counsel;
- b. That this Honorable Court set a bond that is reasonable and not excessive, all within the guidelines dictated by the Constitutions of Alabama and the United States; and
- c. Grant such other and further relief as may be deemed just in the premises.

EZELL & CHANCEY, LLP

By:

Laurel W. Farrar

Attorneys for Petitioner

P. O. Drawer 2500

Phenix City, AL 36868-2500

(334) 297-2400

Attorney Code FAR-036

STATE OF ALABAMA

MONTGOMERY, AL 36130-1555

STATE OF ALABAMA

MONTGOMERY, AL 36130-1555

P.O. BOX 301555

H. W. "Bucky" McMILLAN
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
GREG SHAW
A. KELLI WISE
Judges

Lane W. Mann
Clerk
Wanda K. Ivey
Assistant Clerk
(334) 242-4590
FAX (334) 242-4689

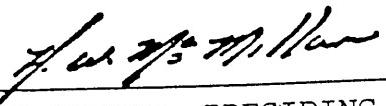
ORDER

CR-01-1243

Ex parte Jerry E. Whitley (In re: State of Alabama vs. Jerry E. Whitley) (Russell Circuit Court: CC02-186, 187, & 188).

Pursuant to the provisions of Rule 21(b), Alabama Rules of Appellate Procedure, the respondent is hereby granted fourteen (14) days to respond to the allegations contained in this petition for writ of habeas corpus.

Done this the 18th day of March, 2002.


H.W. "Bucky" McMILLAN, PRESIDING JUDGE

CCA/wki

cc: Honorable George R. Greene, Circuit Judge
Honorable Kathy S. Coulter, Circuit Clerk
Honorable Tommy Boswell, Sheriff
Honorable Bill Pryor, Attorney General
Honorable Laurel Wheeling Farrar, Attorney, Petitioner
Honorable Kenneth Davis, District Attorney
Office of Attorney General

IN THE COURT OF CRIMINAL APPEALS OF ALABAMA

JERRY E. WHITLEY,) CASE NO. _____
 Petitioner,)
) RUSSELL COUNTY
) CIRCUIT COURT
 vs.) CASE NO. CC-02-186, 187, 188
 STATE OF ALABAMA and THOMAS F.)
 BOSWELL, Sheriff of Russell County, Alabama,)
 Respondents.)
FILED IN OFFICE
MAR 13 AM 11:07
LAW LIBR. U.S. DIST. CT.
RUSSELL CO., AL

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner petitions this Court to issue a writ of *habeas corpus* requiring Thomas F. Boswell, Sheriff of Russell County, Alabama, to bring petitioner before this Honorable Court to show just cause as to why petitioner's bond should not be reduced, and as cause therefor, states as follows:

1. This petition for a writ of *habeas corpus* is made on behalf of Jerry E. Whitley, by and through his attorney, Laurel W. Farrar.
2. Petitioner is imprisoned and restrained of his liberty in the Russell County Jail in Phenix City, Alabama, by the Sheriff on felony charges, *to-wit*: Possession of methamphetamine, resisting arrest and trafficking in methamphetamine, pursuant to indictments issued on January 16, 2002, copies of which are attached hereto.
3. Petitioner is restrained of his liberty on said felony charges with bails in the amounts of \$250,000.00 for the charge of Trafficking Methamphetamine, \$20,000.00 for the charge of Possession of a Controlled Substance, and \$1,000.00 for the misdemeanor charge of Resisting Arrest, for a total of \$271,000.00. Said amounts were set by the Honorable George Greene, Russell County Circuit Court Judge.

SS:tg JF L237722

FILED IN OFFICE

*Bond reduced to
60,000 on trafficking charge
10,000 on possession of
controlled substance
1,000 resisting arrest*

TO: HON. TOMMY BOSWELL, SHERIFF
FROM: CLERK'S OFFICE (By JODY)
DATE: 3/28/02
RE: STATE OF ALABAMA VS. Jerry Eugene Whitley
CASE NO.(S): CC02-186, 187
OFFENSE(S): Traff. meth + Poss. Contr Subst.

Bonds: \$ 60,000 \$ 10,000
Please be advised that bond in the above-styled case(s) has been
reset at \$ _____ by the authority of Judge Greene.

COURT DATE:

April 9, 02 at 10:00 am - Docket call
April 23, 02 at 9:00 am - trial

H. W. "Bucky" McMILLAN
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
GREG SHAW
A. KELLI WISE
Judges

Lane W. Mann
Clerk
Wanda K. Ivey
Assistant Clerk
(334) 242-4590
FAX (334) 242-4689

ORDER

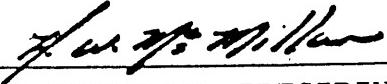
CR-01-1243

Ex parte Jerry E. Whitley (In re: State of Alabama vs. Jerry E. Whitley) (Russell Circuit Court: CC02-186, 187, & 188).

Upon consideration of the above referenced Writ of Habeas Corpus, the Court of Criminal Appeals ORDERS that said petition be and the same is hereby dismissed.

McMillan, P.J., and Cobb, Baschab, Shaw, and Wise, JJ., concur.

Done this the 10th day of April, 2002.


H.W. "Bucky" McMILLAN, PRESIDING JUDGE

CCA/wki

cc: Honorable George R. Greene, Circuit Judge
Honorable Kathy S. Coulter, Circuit Clerk
Honorable Tommy Boswell, Sheriff
Honorable Bill Pryor, Attorney General
Honorable Elizabeth Ray Butler, Asst. Atty. Gen., Respondent
Honorable Laurel Wheeling Farrar, Attorney, Petitioner
Honorable Kenneth Davis, District Attorney
Office of Attorney General

CONSOLIDATED BOND

(District Court, Grand Jury, Circuit Court)

 STATE OF ALABAMA127
Case Number

STATE OF ALABAMA

Jerry Eugene Whitley
v.
Jerry Eugene Whitley
DEFENDANT

In the _____ Court of
_____Russell County

I, (Defendant) Jerry Eugene Whitley, as principal, and
we, AAA Bonding Co, as sureties, agree to pay the
State of Alabama \$ 10,000 unless the above named defendant appears before the District
Court of said County on (Date) 5-13-02 at (Time) 10:00 or at the
next session of Circuit Court of said County, or in the event of transfer, in the district or circuit court of the county of
transfer, there to await the action by the grand jury and from session to session thereafter until discharged by law to

answer to the charge of Possession Controlled Substance or any other charge.
We hereby severally certify that we have property over and above all debts and liabilities to the amount of the above
bond. We waive the benefit of all laws exempting property from levy and sale under execution or other process for the
collection of debt, by the Constitution and Laws of the State of Alabama, and we especially waive our rights to claim
exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such
time as the undersigned are duly exonerated.

~~Signature of Defendant~~~~Signature of Surety~~

Signature of Surety

Signature of Surety

4-16-02
Date

150 Reynolds Rd Fortson Ga
Address (Print) City State Zip

1118 Broad St P.C. AL 36867
Address (Print) City State Zip

Address (Print) City State Zip

Address (Print) City State Zip

William Alexander
Approved by

Chf Deputy
Title

DEFENDANT'S INFORMATION

Date of Birth 9-20-65 Social Security Number 259 17 7161 Sex Male

Driver's License Number _____ State _____ Race white

Telephone - Residence 700-320-9752 Telephone - Work _____

 Appearance Bond - Property Appearance Bond - Recognizance I am a minor

\$ 10,000
BOND AMOUNT

ORIGINAL
POWER OF ATTORNEY
AAA BONDING CO.
LaFayette, Alabama

NO 19434

KNOW ALL BY THESE PRESENTS, THAT THE AAA BONDING CO., A COMPANY DULY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF ALABAMA HAS CONSTITUTED AND APPOINTED, AND DOES HEREBY CONSTITUTE AND APPOINT,

AGENT Carole Ransome

ITS TRUE AND LAWFUL ATTORNEY-IN-FACT, WITH, FULL POWER AND AUTHORITY TO SIGN THE COMPANY'S NAME AND DELIVER ON ITS BEHALF AS SURETY, ANY AND ALL OBLIGATIONS AS HEREIN PROVIDED, AND THE EXECUTION OF SUCH OBLIGATIONS IN PURSUANCE OF THESE PRESENTS SHALL BE AS BINDING UPON THE COMPANY AS FULLY AND TO ALL INTENTS AND PURPOSES AS IF DONE BY THE REGULARLY ELECTED OFFICERS OF THE SAID COMPANY AT ITS HOME OFFICE IN THEIR PROPER PERSON; AND THE SAID COMPANY HEREBY RATIFIES AND CONFIRMS ALL AND WHATSOEVER ITS SAID ATTORNEY-IN-FACT MAY LAWFULLY DO AND PERFORM IN THE PREMISES BY VIRTUE OF THESE PRESENTS.

THIS POWER OF ATTORNEY IS VOID IF ALTERED OR ERASED. THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF TWO HUNDRED & FIFTY THOUSAND (\$250,000.00) DOLLARS AND MAY BE EXECUTED FOR RECOGNIZANCE OF BAIL BONDS ONLY, BUT INCLUDING PEACE BOND.

DATE 5/16/02 BOND AMOUNT 10,000
(RELEASED FROM JAIL)

OFFENSE John C. T. Sch COURT Dirt CITY PC

DATE TO APPEAR IN COURT 5-13-02

DEFENDANT Jerry Eugene Whitley

ADDRESS 150 Reynolds Rd Fairview AL



(SEAL)

C. L. Hinckle
GENERAL MGR.

AGENT Carole Ransome DATE 5/16/02

SEPARATE POWER-OF-ATTORNEY MUST BE ATTACHED TO EACH BOND AND REMAIN A PERMANENT PART OF THE COURT'S RECORD IN ORDER FOR AAA BONDING CO., TO BE LIABLE. THIS POWER DOES NOT AUTHORIZE EXECUTION OF BONDS OR NECESSARY OR ANY GUARANTEE FOR FAILURE TO PROVIDE PAYMENTS OF ALIMONY SUPPORT OR WAGE LAW CLAIMS.

WHITE-RECEIPT-Client
BOTTOM-Jail

YELLOW-Office

PINK-Remains in Book

STATE OF ALABAMA

VS.

CAYLENE WHITE

JERRY WHITLEY

WAYNE MEADOWS

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-110,111,112

CASE NO. CC-02-186,187,188

CASE NO. CC-02-179,180,181

*

MOTION FOR JOINDER OF DEFENDANTS FOR TRIAL

The State moves the Court for an order that the above Defendants be tried together, upon the ground that the alleged offenses charged against the Defendants in the indictment in each of said actions could have been joined as a single indictment under Rule 13 of the Alabama Rules of Criminal Procedure.

Proceedings thereafter shall be the same as if the prosecution initially were under a single indictment/information/complaint.

FILED IN OFFICE
MAY 23 AM 0152
2002
RUSSELL COUNTY
CIRCUIT COURT
ATTORNEY GENERAL
DEPUTY DISTRICT ATTORNEY



BUSTER LANDREAU
CHIEF DEPUTY DISTRICT ATTORNEY
26TH JUDICIAL CIRCUIT
LAN 034

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing Motion upon the Hon. Joel Collins, Attorney for Defendant Caylene White, and upon the Hon. Jeremy Armstrong, Attorney for Defendant Wayne Meadows and upon the Hon. Laurel Farrar, Attorney for Defendant Jerry Whitley by placing a copy of the same in a receptacle reserved in their names in the Office of the Circuit Court of Russell County, Alabama.

Done this 23rd Day of May 2002.



Buster Landreau

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,)
Plaintiff,)
)
vs.)
)
CAYLENE WHITE,) Cases No. CC-02-110, 111, 112
JERRY E. WHITLEY,) Cases No. CC-02-186, 187, 188
WAYNE MEADOWS,) Cases No. CC-02-179, 180, 181
Defendants.)

OBJECTION TO CONSOLIDATION

Comes now defendant JERRY E. WHITLEY, by and through his attorney, and objects to the consolidation for purpose of trial of the stated cases.

This objection is filed in response to the Motion for Joinder of Defendants for Trial filed by the State on May 23, 2002.

EZELL & CHANCEY, LLP

By:


Laurel W. Farrar
Attorneys for Defendant Jerry E. Whitley
1200 8th Avenue
P. O. Drawer 2500
Phenix City, AL 36868-2500
(334) 297-2400
Attorney Code FAR-036

FILED IN OFFICE
2002 MAY 24 PM 3:58
THE CIRCUIT COURT
RUSSELL CO., ALA.

CERTIFICATE OF SERVICE

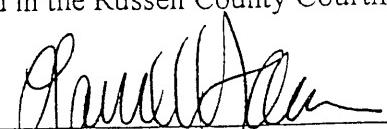
I hereby certify that I am attorney for defendant Jerry E. Whitley and that I have served a copy of the within and foregoing objection upon:

District Attorney of Russell County, Alabama

Hon. Joel Collins
Attorney for Defendant Caylene White

Hon. Jerry Armstrong
Attorney for Defendant Wayne Meadows

by placing same in their respective receptacles located in the Russell County Courthouse in Phenix City, Alabama, this 24th day of May, 2002.



Attorney for Jerry E. Whitley

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,	)	CRIMINAL CASE NUMBER
Plaintiff,	)	CC-02-186-188
)	
vs.)	
)	
JERRY E. WHITLEY,)	
Defendant.)	

**MOTION TO SUPPRESS ARREST AND EVIDENCE
AND SEARCH WARRANT**

The defendant in the above-named case, by and through his attorney, moves this Honorable Court to suppress any and all evidence obtained through the illegal search, seizure and arrest of the defendant and any and all statements made in relation thereto, and to suppress any and all evidence obtained by and through the execution of the illegally-obtained search warrant. The defendant shows that the issuance of the warrant, any affidavit upon which the issuance was based, the execution of the warrant, the return to the issuing Magistrate by the executing officer of the warrant, and the seizure under the warrant were illegal and violated his rights under the Constitution of these United States and of the sovereign State of Alabama, and any and all evidence obtained as a result thereof should be, and the defendant demands that it be, suppressed by this Honorable Court and ruled inadmissible in and for any trial on the charges pending against the defendant or any future charges that may arise out of the illegal searches and seizures.

As grounds for this motion, the defendant assigns the following separately and severally:

1. The search, seizure and arrest were illegal because there was no authority to arrest.
2. The search, seizure and arrest were illegal because there was no authority for the search or seizure.
3. The search and seizure were illegal because the defendant was not under legal arrest prior to the search, nor did the defendant commit any criminal offense in the presence of the executing officers as would justify his arrest.
4. The search was that of a general search and inquisition.
5. The search and seizure were illegal because there was no probable cause for the search and seizure.

6. The search and seizure were illegal because there was no evidence of any prior specifically-descriptive information of established credibility and no possible situation of adequate suspicion and exigency existing to warrant arrest without a warrant.

7. The search and seizure were illegal because they were purportedly done incidental to an illegal arrest.

8. The affidavit submitted to the issuing Magistrate/Judge was improperly and illegally executed.

9. The warrant was illegally issued because it does not show probable and sufficient cause to justify the issuance of the warrant.

10. The seizure was illegal in that it was too broad and not in conformity with the directions of the issuing Magistrate/Judge insofar as the items to be seized and searched for were concerned.

11. The information contained in the affidavit constitutes false and fictitious swearing.

12. The defendant was not under legal arrest prior to the search, nor did the defendant commit any criminal offense in the presence of the executing officers as would justify his arrest.

13. The Magistrate/Judge incorrectly found probable cause.

14. The affidavit on which the search warrant was issued was insufficient as a matter of law.

15. The affidavit upon which the search warrant was issued fails to contain a sufficient statement detailing the manner in which the information set forth therein was obtained.

16. The affidavit and warrant failed to allege sufficient facts and information to support the belief and probable cause that the property sought to be seized was on the premises.

17. The search and seizure violate the defendant's constitutional rights. The defendant has reasonable grounds to believe that the evidence referred to will be used as evidence against him at trial.

18. The search warrant is defective in that there is no evidence offered in affidavit form of probable cause for any issuance of said search warrant.

19. The search warrant is defective in that any and all evidence which might presumably have been offered as a basis for the warrant would have consisted entirely of the "poisonous fruits" of the illegal search, seizure and arrest.

20. The search warrant is defective in that any statement by an informant was insufficient to enable the Magistrate/Judge to form an unbiased and impartial decision without further information as to the informant's reliability and the alleged facts reported by the informer.

21. The search and seizure were illegal in that any statement by an informant was insufficient to enable the Magistrate/Judge to form an unbiased and impartial decision without further information as to the informant's reliability and the alleged facts reported by the informer.

22. The entire search, seizure and arrest were illegal in that the fruits of an illegal search cannot be made the foundation upon which a search warrant is obtained, and the fruits of an illegal search warrant cannot be made the foundation upon which the same arrest is made. This is an illegal and unconstitutional foundation for the prosecution of the defendant and in violation of his constitutional rights.

WHEREFORE, for the reasons set forth in this motion and as may be further shown to this Honorable Court at a hearing on this motion, defendant respectfully requests:

- a. That a pretrial hearing be held in this matter;
- b. That all evidence, both tangible and intangible, real and personal, and all statements or admissions by defendant, seized or obtained as a result of the arrest and subsequent searches be excluded;
- c. That the State be prohibited from introducing in evidence any evidence or statements seized or obtained as a result of the illegal arrest or seizures or searches described herein;
- d. That the State release all non-contraband items to defendant; and
- e. That Defendant be accorded such other relief, legal and equitable, as this Court deems mete and proper.

EZELL & CHANCEY, LLP

By:


Laurel W. Farar
Attorneys for Defendant
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(334) 297-2400
Attorney Code FAR-036

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing motion upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this 13th day of June, 2002.



Laurel W. Farrar

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,) CRIMINAL CASE NUMBER
Plaintiff,) CC-02-186-188
vs.)
JERRY E. WHITLEY,)
Defendant.)

FILED IN OFFICE
CLERK OF COURT
RUSSELL COUNTY, ALABAMA
JULY 19 2005

MOTION FOR APPROVAL OF EXTRAORDINARY EXPENSES
PURSUANT TO *May v. State*

Comes now the defendant in the above-stated matter, by and through his attorney, Laurel W. Farrar, and requests the Court to approve in advance the reimbursement of expenses for an independent expert witness to perform an independent laboratory analysis of the substance alleged in the indictment to be methamphetamine. Additionally, defendant would request in advance that his attorney be reimbursed for her expenses relating to procuring said expert witness. In support of said request, defendant respectfully shows the Court as follows:

1. Laurel W. Farrar was appointed by the Court to represent the defendant in this matter.

2. The Alabama Court of Criminal Appeals held in *May v. State* that "expenses reasonably incurred" are reimbursable under Code of Alabama 1975, §15-12-21. Under *Ex Parte Barksdale*, 680 So.2d 1029 (1996), such expenses must be approved by the Trial Court prior to being incurred.

3. A separate motion entitled "Motion to Permit Independent Laboratory Analysis" has been filed contemporaneously with the instant motion.

4. At this time, the attorney for the defendant has only a rough estimate of the costs projected to be expended for analysis and expert witness fees and would ask the Court to pre-approve costs in an amount capped at \$2,000.00

WHEREFORE, defendant moves this Court to approve payment of expenses as requested herein.

EZELL & CHANCEY, LLP
By: 
Laurel W. Farrar
Attorneys for Defendant
1200 8th Avenue
P. O. Drawer 2500
Phenix City, AL 36868-2500
(334) 297-2400
Attorney Code FAR-036

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing motion upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this 13th day of June, 2002.


Laurel W. Farrar

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,	)	CRIMINAL CASE NUMBER
Plaintiff,	)	CC-02-186-188
)	
vs.)	
)	
JERRY E. WHITLEY,)	
Defendant.)	

MOTION TO PERMIT INDEPENDENT ANALYSIS

Comes now the defendant, by and through his attorney, and moves the Court that a laboratory expert employed by defendant be permitted to examine the material evidence against him and to verify the tests that have been performed to determine the alleged identity of the substance(s) involved in the indictment as being methamphetamine. As grounds, defendant would show that the tests routinely performed at the Alabama State Crime Laboratory are non-specific and carry a high potential for error. Defendant offers to prove the foregoing and the qualifications of the expert witness.

Defendant is entitled to a laboratory analysis pursuant to *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed. 2d 215 (1963), as interpreted in *Barnard v. Henderson*, 514 F.2d 744 (5th Cir. 1974); *Williams v. Dutton*, 400 F.2d 797 (5th Cir. 1968). The right is now undisputed in Alabama. The defendant will be deprived of due process of law as guaranteed by Article I, Section VI, of the Constitution of the State of Alabama and the "due process" clause of the Fifth Amendment of the United States Constitution as made applicable to the states through the Fourteenth Amendment of the United States constitution, and will effectively be prevented from having witnesses testify in his behalf in violation of the Sixth Amendment of the United States Constitution made applicable to the States through the Fourteenth Amendment of the United States Constitution, if he is denied the right to have the substance analyzed by an independent scientific expert. This is true for the reason that the failure to permit the defendant to have a scientific examination and analysis will deprive him of evidence and perhaps witnesses which may be beneficial to him and essential if the jury is to have an accurate understanding of the facts involved in connection with the indictment.

The Alabama State Crime Lab, where the materials are kept and the tests were performed, will not permit the analysis requested without the permission of the prosecution or a court Order.

WHEREFORE, defendant prays that this Court issue an Order permitting the expert to examine a sufficient amount of the substance referred to in the indictment so as to determine its true composition and the nature of the substance, and that the Court order the District Attorney and employees of the Alabama State Crime Laboratory to turn over to the expert a sufficient amount of the substance referred to in the indictment in order to enable the designated expert to analyze the composition and contents of the substance.

EZELL & CHANCEY, LLP

By:


Laurel W. Farrar
Attorneys for Defendant
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P. O. Drawer 2500
Phenix City, AL 36868-2500
(334) 297-2400
Attorney Code FAR-036

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing Request for Discovery upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this 13th day of June, 2002.



Laurel W. Farrar